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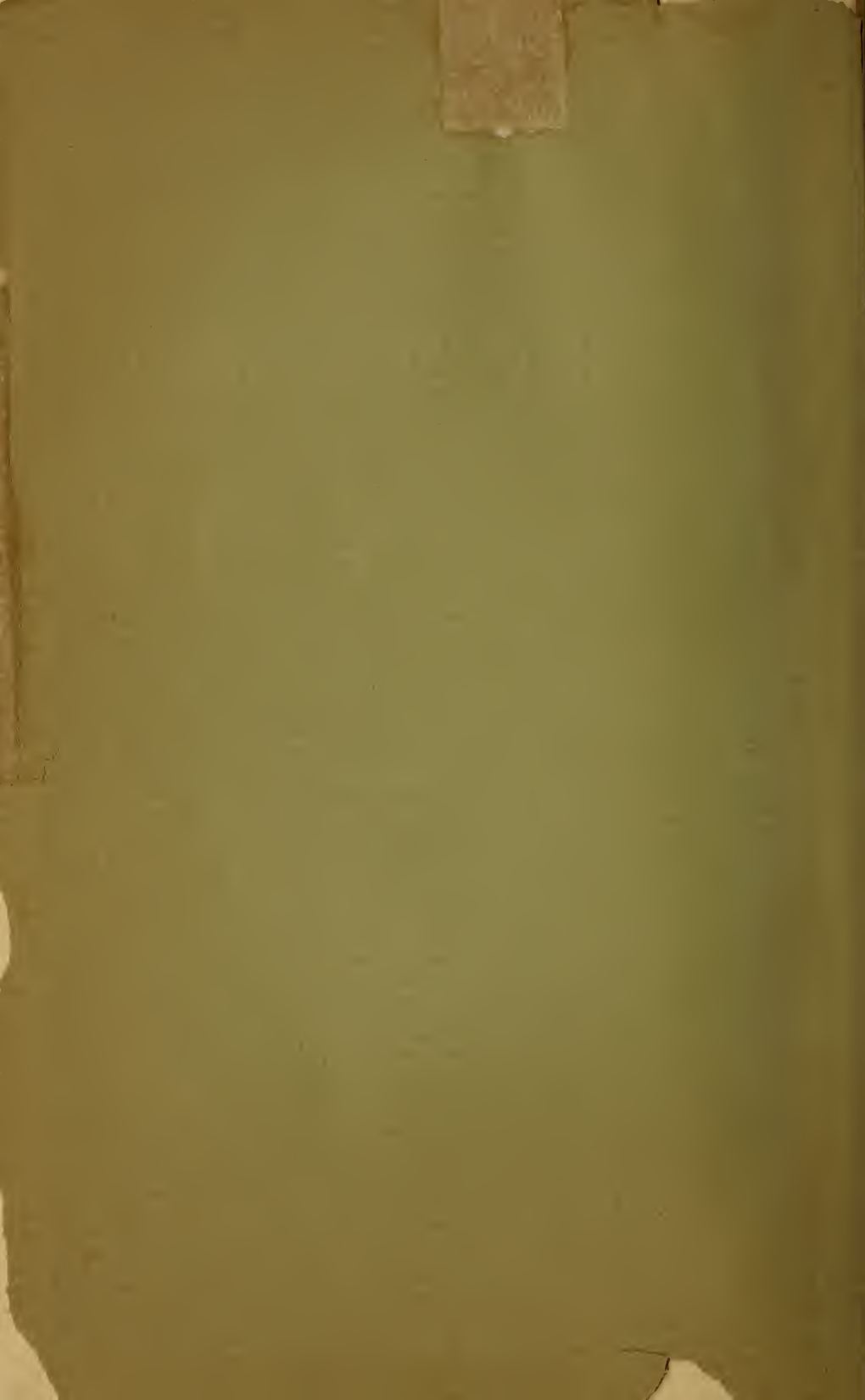
THE BEGINNINGS
OF
ENGLISH UTILITARIANISM

A THESIS ACCEPTED BY THE FACULTY OF CORNELL
UNIVERSITY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
MAY, 1894

BY
ERNEST ALBEE, A.B.
Instructor in the Sage School of Philosophy, Cornell University



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P R E F A C E.

PERHAPS no form of history is more interesting than that which has received the somewhat indefinite, because very general name, — History of Philosophy. It is evident that we may understand the field of investigation thus indicated in a broader or in a narrower sense; and it is hardly necessary to remark that the accredited historians of Philosophy have actually differed more or less in their opinions as to the ground to be covered. Nobody would deny that the History of Ethics is a very essential part of the History of Philosophy, and, so far as ethical theories have formed an organic part of the general systems of ancient and modern philosophers, they may be said to have received due recognition at the hands of the historian. But, as the general tendency of English thought has been (or for a long time was) practical rather than speculative, it has happened, not unfortunately, that the progress of ethical theory in England has, on the whole, been less involved with the rise and decadence of definite systems of metaphysic than has been the case on the continent. Problems belonging distinctly to Ethics have for the most part been discussed on their own merits — except, of course, where theological issues have been raised. If English writers have not always put forth the profoundest theories regarding the nature and meaning of morality, they have at least done inestimable service in the way of clear thinking and consistent reasoning.

Now the result of this comparatively non-metaphysical character of English Ethics is that it has by no means taken its true place in the general History of Philosophy. Properly speaking, we have no history of English Ethics. Dr. Whewell, indeed, published in 1852 his *Lectures on the History of Moral Philosophy in England*; but this book was hardly calculated

to serve more than a temporary purpose. It everywhere shows marks of haste, as might perhaps be expected from its mode of composition, and the writer is so concerned to refute theories incompatible with his own, that his expositions, even aside from their necessary brevity, are generally unsatisfactory and sometimes quite misleading. A very different book is Professor Sidgwick's *Outlines of the History of Ethics for English Readers*, first published in 1886. This is all that a mere 'outline' could very well be; but, when it is considered that Chapter IV of this little volume, on "Modern, Chiefly English, Ethics," is only about one hundred pages long, it will readily be seen that it does not by any means pretend to be an adequate history of the subject. Other 'outlines' might be mentioned, such as the very excellent one contained in Professor Wundt's *Ethik*; but none of these really supply, or pretend to supply, a need which we doubtless all feel.

Since, then, we have no adequate history of English Ethics, the attempt has been made in the following chapters to cover a small fraction of the ground by tracing the rise of Utilitarianism in England. No one of the writers considered — not even Hume — is individually of such importance for English Ethics as Bishop Butler; but, taken as a whole, Utilitarianism may fairly be regarded as England's most characteristic, if not most important, contribution to the development of ethical theory. This being the case, its early history certainly deserves careful and somewhat extended treatment. The writer hopes that, whatever may be the shortcomings of the following historical sketch, he will not be accused of treating the subject either carelessly or in a partisan spirit. The attempt has been made to give a sympathetic exposition of each system considered, however far it may fall short of affording an ideal solution of the ultimate problems of Ethics.

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CHAPTER I.

THE ETHICAL SYSTEM OF RICHARD CUMBERLAND.¹

WHILE the doctrine of Universalistic Hedonism has played a most conspicuous part in English Ethics since the time of Paley and Bentham, it is not commonly realized that the essential features of the system were stated and developed by a contemporary of the Cambridge Platonists. It is true that Cumberland's treatise, *De legibus naturae*, like most ethical works of the time, was largely controversial in character, having been written to refute Hobbes. Moreover, the jural aspect of the system, implied by the very title of the treatise, tends to obscure what for us is by far its most important feature. And even this is not all. The 'common good' which Cumberland regarded as the end of all truly moral action, includes 'perfection' as well as 'happiness,' which leads to serious confusion in the working out of the system. But, making all allowances for what was incidental in the external form of the work, and

¹ Perhaps a word should be said regarding the relation of my own treatment of Cumberland to that of Dr. Frank E. Spaulding, in *Richard Cumberland als Begründer der englischen Ethik* (Leipzig, 1894). I had completed my study of Cumberland's system before I knew of this dissertation. Before putting my results in final form, I read the dissertation with much interest, but I am not aware that my own treatment was modified as a consequence. While I agree in the main with Dr. Spaulding's interpretation of Cumberland, and recognize in the dissertation a very thorough piece of work, my own treatment will be found quite different. I have given considerably more attention to other writers, in my attempt to show the relation of the *De legibus naturae* to preceding and contemporary thought, and have passed somewhat lightly over the parts of the work which seemed to be merely incidental, and not of importance for the further development of the principles involved. In particular, I have attempted, as far as possible, to separate the constructive part of the treatise from the controversial part, which has led me to exhibit the jural aspect of the system last, thus showing in how far the system is logically complete without it. Other differences will be obvious to any one who may take the trouble to compare these chapters with Dr. Spaulding's dissertation.

the confusion of two principles which have long since become clearly differentiated, it is well worth while to examine with some care the ablest, or at any rate the most successful, opponent of Hobbes and the true founder of English Utilitarianism.

It would be quite impossible adequately to treat of any important ethical system, without taking some account of the views of the author's contemporaries; but this is particularly necessary in the case of early writers. In their works we are almost sure to find in artificial combination principles which are now regarded as logically distinct, and the only possible explanation of the actual form of the system in question is often to be sought in contemporary influences. Sometimes, of course, an investigation of this sort is difficult, and, however carefully prosecuted, yields no very certain results. Fortunately we are not thus hampered in the case of Cumberland. We shall find difficulty and uncertainty enough in certain aspects of his system, but there is little doubt with regard to the formative influences in his case. In his view of the nature of man, our author stands in the closest and most obvious relation to Grotius and to Hobbes,—his relation to the former being that of substantial agreement; to the latter, that of opposition. We must, then, consider in the briefest possible way the ethical views of these two authors—particularly as regards the then current conception of Laws of Nature—and also notice the tendencies represented by the various opponents of Hobbes.

Of course, the idea of Laws of Nature was by no means original with Grotius. A Stoical conception at first, it had exercised a profound influence upon Roman Law, and had reappeared as an essential feature in the system of Thomas Aquinas. Here, however, as Sidgwick points out, it "was rather the wider notion which belongs to Ethics than the narrower notion with which Jurisprudence or Politics is primarily concerned."¹ It is one of the most important services of Grotius that he distinguished between the provinces of Ethics

¹ *Hist. of Ethics*, p. 159.

and Jurisprudence, the result being as fortunate for the former as for the latter.¹ However, as Sidgwick remarks, while the distinction is clearly enough made in the body of his epoch-making work, *De jure belli et pacis*, still, in the general account which he gives of Natural Law, the wider ethical notion is retained. It will be important for the reader to keep this in mind.

In one of the earlier passages of the Prolegomena to his *De jure belli et pacis*, Grotius makes a significant statement regarding his view of the nature of man. Among the properties which are peculiar to man is a desire for society, and not only so, but for a life spent tranquilly and rationally.² The assertion that by nature each seeks only his own advantage, cannot be conceded. Even animals manifest an altruistic instinct in caring for their young, while children show compassion at a very early age. In adult man, that which in the lower stages of development had manifested itself as instinctive altruistic conduct, becomes self-conscious and rational. And this tendency to the conservation of society is the source of 'Jus' or Natural Law, properly so-called.³ Natural Law would remain even if there were no God. But of the existence of God we are assured, partly by reason, partly by constant tradition. And here we are brought to another origin of 'Jus,' *i.e.*, the free will of God. But even Natural Law, though it proceed from the nature of man, may yet rightly be ascribed to God, because it was by his will that such principles came to exist in us.⁴

The relation between Natural Law and that which proceeds from the arbitrary will of God is of some importance. Apparently the latter is always in addition to the former, never in contradiction with it,⁵ though it must be confessed that the author's treatment is wavering. As Sidgwick says,⁶ according to Grotius, Natural Law may be overruled in any particular case by express revelation. It is to be noted, however, that

¹ See Jodl, *Geschichte der Ethik*, vol. i, p. 102.

² Whewell's edition, p. xli.

³ *Ibid.*, p. xlv.

⁴ *Ibid.*, p. xlvii.

⁵ See, *e.g.*, *Ibid.*, p. lxxii.

⁶ *Hist. of Ethics*, p. 160.

this does not mean that Natural Law, as such, can be superseded by Divine Law, but rather that a special act which would ordinarily be a transgression of Natural Law may be right merely because God has commanded it. At best, however, this seems to contradict the fundamental principles of the system. But, aside from the question of a possible conflict between Natural and Divine Law, there is a further difficulty. Divine Law is what the name would indicate. In the case of such law, it may be said: God did not command an act because it was just, but it was just because God commanded it.¹ In the case of Natural Law, the reverse would seem to hold true; but the language of Grotius on this point is somewhat ambiguous. For instance, we have seen that Natural Law may be ascribed to God, "because it was by his will that such principles came to exist in us"; but, on the other hand, Grotius holds that just as God cannot make twice two not be four, he cannot make that which is intrinsically bad not be bad.² The undoubted confusion which one finds here suggests the difficulty of mediating between the views later represented by Descartes and by Cudworth: (1) that moral distinctions depend upon the arbitrary will of God; and (2) that they do not thus depend.

From the above it will be seen that Grotius insists upon the social and the rational nature of man. As to the proximate (not ultimate) origin of Natural Law, there seems to be a slight ambiguity. Now it appears to be founded upon the primitive altruistic instinct, and now upon the rational nature of man.³ Probably it would be fair to say that, according to Grotius, the two are equally essential to human nature, which he regards as logically prior to Natural Law, just as that is logically prior to particular civil laws. The relation between Natural Law and Divine Law has just been considered. Logically, the latter should always be in addition to, never in conflict with, the former. When Grotius practically does allow such conflict, we must regard it as a natural, but not a necessary, concession to theology. Again, the relation of God to Natural Law is not

¹ *De jure*, p. 20.

² *Ibid.*, p. 12.

³ *Cf.* Cumberland, who probably follows Grotius here, as so often.

quite clear. On the whole, however, Grotius would seem to hold that certain things are right, others wrong, in the nature of things, *i.e.*, apart from the will of God. Whether the nature of things be ultimately the same with the nature of God, we do not here need to ask. The question would hardly have occurred to Grotius.

It is probable that the ethical and political philosophy of Hobbes is not so closely connected with his mechanical philosophy as he himself would have had us believe. Certainly it is quite comprehensible by itself. Indeed, in the course of his expositions, Hobbes ordinarily refers to common experience rather than to his own first principles. The starting-point of his ethical speculation is probably to be found in the then current conception of Laws of Nature,¹ which we have just been considering. This will be assumed to be the case in what follows.

In order fully to understand Hobbes's view of the nature of man, we must distinguish (1) man's *need* of society; (2) his *fitness* for society; (3) his *love* of society, for its own sake. (1) That man has need of society, — in the sense of an organized commonwealth, — Hobbes would have been the first to insist. Out of society, indeed, man cannot continue to exist at all. But (2) man's fitness for society does not by any means keep pace with his need of the same. Children and fools need society, if possible, more than others, and yet they "cannot enter into it," in Hobbes's sense of the words. Indeed, many, perhaps most, men remain throughout life 'unfit' for society, either through defect of mind or want of education.² The main reason for this unfitness, however, is man's fundamental egoism. If it be asked: (3) Does man love society for its own sake? Hobbes replies with a decided negative. "All society . . . is either for gain or for glory; that is, not so much for love of our fellows as for the love of ourselves."³ So much is plain, but it is not equally plain in what terms we are to express this primitive egoism. Sometimes pleasure as such

¹ Cf. Sidgwick's *Hist. of Ethics*, p. 162.

² See *De cive*, Works, Molesworth's ed., vol. ii, p. 2, note.

³ *Ibid.*, p. 5.

would seem to be the end; sometimes (probably more often) self-preservation.

Starting, then, with the assumption of man's original and ineradicable egoism; and the further assumption that nature has made men essentially equal in the faculties both of body and of mind,¹ so that all may aspire to everything,—it is easy to see that the hypothetical 'state of nature' must be a 'state of war,' with all the attendant evils which Hobbes so tersely, yet vividly, describes.² How are men to escape the consequences of their own anti-social natures? The possibility of deliverance depends upon the fact that man is not merely a bundle of selfish appetites, but,—as Hobbes says,—“True Reason is . . . no less a part of human nature than any other faculty or affection of the mind.” Moreover, ‘True Reason’ is “a certain law.”³

It is natural that one should ask just what is meant by ‘True Reason,’ and Hobbes has a note on the subject,⁴ which, however, is not particularly illuminating. “By Right Reason in the natural state of man,” he says, “I understand not, as many do, an infallible faculty, but the act of reasoning, that is, the peculiar and true ratiocination of every man concerning those actions of his which may either redound to the damage or benefit of his neighbors.” He further explains that he calls reason “true, that is, concluding from true principles, rightly framed, because that the whole breach of the Laws of Nature consists in the false reasoning, or rather folly, of those men who do not see those duties they are necessarily to perform towards others, in order to their own conservation.”⁵ In a word, there is no infallible faculty of Right Reason that can be implicitly trusted. It can only be proven right by the event, and the test is the conservation of the individual.

¹ See *Leviathan*, vol. iii, p. 110.

² *Ibid.*, p. 113. For passages which seem to show that, in his description of the ‘state of nature,’ Hobbes does not understand that he is giving an *historical* account of the origin of human society, see, *e.g.*, *Leviathan*, vol. iii, p. 114, and particularly the last part of the interesting note in *De cive*, vol. ii, p. 10.

³ *De cive*, vol. ii, p. 16.

⁴ *Ibid.*

⁵ See, also, *De corpore politico*, vol. iv, p. 225, where the author says: “But this is certain, seeing Right Reason is not existent,” etc.

However, Right Reason, in the sense above explained, leads us to formulate certain Laws of Nature. Such a 'law' is defined as "the dictate of Right Reason, conversant about those things which are either to be done or omitted for the constant preservation of life and members, as much as in us lies." The first and fundamental Law of Nature is "that peace is to be sought after, where it may be found; and where not, there to provide ourselves for helps of war."¹ From this law, all the others, — twenty in *De cive*, eighteen in *Leviathan*, — are derived. "They direct the ways, either to peace or self-defense."

We are not here concerned with the enumeration and deduction of the particular Laws of Nature, which will readily be found by referring to *Leviathan*, *De cive*, or *De corpore politico*. The question as to their exact significance (*qua* Laws of Nature), however, is of the greatest importance for the system; and it is just here that the expositions of Hobbes are least helpful. The philosopher himself says: "The Laws of Nature are immutable and eternal: what they forbid can never be lawful; what they command can never be unlawful."² At the same time, it is important to observe that in a state of nature it would be irrational for a man to obey these laws, for he would have no assurance that others would do the same. Such conduct would defeat the end which all these laws have in mind, *i.e.*, the preservation of the individual. Indeed, as Hobbes reminds us, they are not 'laws' at all in the ordinary sense, "since they are nothing else but certain conclusions, understood by reason, of things to be done and omitted";³ whereas the element of compulsion is essential to 'law' in the strict sense.

In order that there may be any security whatever, a government of some sort must be established. The many conflicting wills must be changed into *one*, not by a change in human nature, — which, of course, is impossible, — but by the several individuals submitting themselves either to a "council" or to "one man." In this compact, the individual gives up all but

¹ *De cive*, vol. ii, p. 16. Cf. *Leviathan*, vol. iii, p. 117.

² *De cive*, vol. ii, p. 46.

³ *Ibid.*, p. 49.

the right of defending himself against personal violence. To the governing power belong the "sword of justice" and the "sword of war," and — what necessarily follows — judgment as to the "right use" of each. But this is not all. Since difference of opinion concerning "*meum* and *tuum*, just and unjust, profitable and unprofitable, good and evil, honest and dishonest,"¹ etc., are productive of discord, the civil power must *define* the above. Also, the supreme power of the state is to be judge of all theological doctrines, in so far as they tend to practical results. In short, this power is "absolute," as Hobbes himself frankly calls it.

We must now ask: What has become of the Laws of Nature, with which we started? We have already seen that Hobbes refers to them as "eternal and immutable." In the latter part of *De cive*,² he says, using words that Cudworth himself could not have objected to: "Natural [Law] is that which God hath declared to all men by his eternal word born with them, to wit, their natural reason; and this is that law which, in this whole book, I have endeavored to unfold." But suppose that civil laws should be in opposition to these Laws of Nature? Hobbes meets the query with characteristic boldness. "By the virtue of the natural law which forbids breach of covenant, the Law of Nature commands us to keep all the civil laws. For where we are tied to obedience before we know what will be commanded us, there we are universally tied to obey in all things. Whence it follows, that no civil law whatsoever, which tends not to the reproach of the deity³ . . . can possibly be against the Law of Nature. For though the Law of Nature forbid theft, adultery, &c.; yet, if the civil law commands us to invade anything, that invasion is not theft, adultery, &c."⁴ The conclusion to which we are brought by the philosopher himself is rather startling: Nothing in the civil laws can be against the Laws of Nature, because not only is

¹ *De cive*, p. 77. — Note the heterogeneous items.

² See p. 186.

³ This is only an apparent exception, for it would be precisely for the civil power to decide, in any particular case, what was, or was not, "to the reproach of the deity."

⁴ *De cive*, pp. 190, 191.

the civil power behind the Laws of Nature, that which makes them properly 'laws,' but also it is that, and that alone, which gives them their content. It makes comparatively little difference what the Laws of Nature command or forbid, so long as it lies wholly with the civil power to define the terms used.

Some pages back it was seen that there was ambiguity in Hobbes's use of 'Right Reason.' In *De corpore politico*, we are told: "But this is certain, seeing Right Reason is not existent, the reason of some man or men must supply the place thereof."¹ In other words, the arbitrary use of civil power must make up for the lack of Right Reason in man. Again, in *Leviathan*,² "The unwritten Law of Nature . . . is now become, of all laws, the most obscure, and has consequently the greatest need of able interpreters." But who should be the interpreter? Hobbes candidly remarks: "The interpretation of the Laws of Nature, in a commonwealth, dependeth not on the books of moral philosophy. . . . That which I have written in this treatise concerning the moral virtues . . . though it be evident truth, is not therefore presently a law; but because in all commonwealths in the world it is part of the civil law." No amount of valid reasoning can vindicate the Laws of Nature. Nothing but their presence in the statute-books of the commonwealths of the world can do that. And the reason why they can be said to be so universally recognized is that the same power, in each particular case, that compels obedience to them, also practically furnishes them with their content. It may also be noticed that Hobbes has proceeded deductively, — in appearance, at least, — in arriving at his Laws of Nature. If presence in the statute-book be the only test, he should have proceeded inductively. The utter confusion which we find here requires no comment. The Laws of Nature, with which our philosopher began, have vanished into thin air. We learn what is good for us as well as what is right, what is true as well as what is just, from the powers that be. There would be no place for a theorist like Hobbes himself in his own ideal state.

¹ See vol. iv, p. 225.

² See vol. iii, p. 262.

It was inevitable that a theory of political absolutism like that of Hobbes, — involving as it did a wholly egoistic system of ethics, the unlovely character of which the philosopher was at no pains whatever to conceal, — should excite the most violent opposition. But while the ethical writers of his own time and country were practically unanimous in their opposition to Hobbes, their methods of attack were by no means the same. Some were more incensed at the brutal egoism of the system, some at the arbitrary character which Hobbes had assigned to moral distinctions; though it is fair to suppose that all were a good deal disturbed by both sides of his doctrine. A general statement like this, however, is apt to be misleading, as it does not suggest the complexity of the facts. It is probable that in periods of controversy, quite as much as in periods of constructive work, the individualities of prominent writers play a determining part in shaping their productions. Hence we must be on our guard against supposing that the conventional division of the opponents of Hobbes into ‘schools’ is wholly satisfactory. For instance, Whewell classes together: (1) Sharrock, Henry More, and Cumberland, and (2) Cudworth and Clark; while Sidgwick, on the other hand, distinguishes between (1) the “Cambridge moralists,” including all the above but Sharrock, Cumberland, and Clark, and (2) Cumberland. This does not imply any essential difference in the way that Whewell and Sidgwick interpret the doctrines of the authors named. Any such classification is largely a matter of convenience and more or less arbitrary. For our present purpose, three men may fairly be taken as typical of the tendencies represented by the opponents of Hobbes, *viz.*, Cudworth, More, and Cumberland.

Cudworth, of course, stands for Intellectualism. He would reduce morality to a system of truths. The result is that, in his unfinished *Treatise concerning Eternal and Immutable Morality*, we have a noteworthy system of metaphysics, rather than a direct and explicit treatment of what are ordinarily regarded as the problems of ethics. Indeed, so much is Cudworth concerned to establish a system of “eternal and immu-

table" truths, *among* which are the truths of ethics, that never once, in the course of the treatise just referred to, does he take the trouble to combat the egoism of Hobbes. Obviously we are not concerned with his system here. Cumberland, on the other hand, is singularly devoid of metaphysical interests, and the passages in his treatise *De legibus naturae* which do incidentally treat of metaphysical questions, are certainly the least satisfactory part of his work. To the side of Hobbes's system which teaches the arbitrary character of moral distinctions, he replies by reproducing what we have already seen to be the views of Grotius regarding Natural Law; while, in opposition to the egoism of Hobbes, he teaches what practically amounts to the system of Universalistic Hedonism. As the first English writer standing for this principle, he has been taken as the subject of the present chapter.

More, whose *Enchiridion Ethicum* enjoyed an enormous popularity in its own generation,¹ is particularly hard to classify; but it is certainly safe to say that he occupies a position logically intermediate between the other two. The fact that he so nearly refrained from publishing his own work, owing to the supposed objections of Cudworth, is in itself a sufficient indication that the two authors concerned regarded their systems as standing for very much the same principles. On the other hand, however, while Cudworth had practically neglected the affective side of our nature in his own treatise, More makes the 'Boniform Faculty' (which is at once the touch-stone of virtue and that by which virtue in the moral agent is immediately and certainly rewarded) not only coördinate with Right Reason, but constantly suggests its primacy. It is difficult to express in a few words More's view of the relation in which these two faculties stand to each other. Sometimes he even seems to identify them, but, if one may venture upon a perilously concise statement, the case stands thus. In a 'state of grace,' the 'Boniform Faculty' (which plays much the same part as conscience) is all-sufficient. No

¹ See Whewell's *Hist. of Mor. Phil. in England*, Lect. iii. In spite of its popularity, however, the *Enchiridion* has never been translated into English.

appeal to Right Reason is necessary, or desirable. But, "since there are some men who have lost all sense of God and divine things, and recognize no fixed rule in their faculties," these "must be approached in another way," *i.e.*, by Right Reason. The author therefore draws from this store "certain principles immediately true, and in need of no proof, but from which almost all moral reasoning (as mathematical demonstrations from common axioms) may be clearly and easily deduced." These he calls 'Noemata.'

An examination of these 'Noemata' at once shows that we no longer have to do with the intellectualism of Cudworth. The first twelve 'Noemata' treat of our duty toward ourselves, and might fairly be termed 'maxims of prudence.' The good is here defined (not quite adequately for the system) as that "which to any perceptive life, or stage of such life, is grateful, pleasing, and suitable, and connected with the preservation of the percipient."¹ The remaining eleven 'Noemata' concern our duties to God and to other men. Two of these would seem quite distinctly to point in the direction of Universalistic Hedonism. "That good which you prefer for yourself in given circumstances, you ought to prefer for another in the same circumstances, so far as it is possible without injury to any third person."² And again, "If it is good that one man should be supplied with means to live well and happily, it follows by a sure and wholly mathematical analogy that it is twice as good for two men to be supplied, three times for three, a thousand times for a thousand," etc.³

It might very well seem as if, in More, we had already found an exponent of the Utilitarian principle; but this is certainly not the case. The system is one of the most perplexed in the whole history of English Ethics, but on the point just referred to, at least, the author does not leave us in doubt. Even in the 'Scholia' appended to the chapter in which the 'Noemata' are treated, we find a significant statement of the author's position. Referring to previous attempts to find some one princi-

¹ Noema i, p. 25, of the fourth ed. of the *Enchiridion*.

² Noema xiv, p. 29.

³ Noema xviii, p. 30.

ple, into which morality could be resolved, he shows that some have taken 'sociality' as the first and simplest principle; others, 'zeal for the public good,' — "both parties supposing that there is no perfection or happiness pertaining to human nature which is not bound up with communion or society."¹ But "it is the internal life of the mind, and the pleasure which is derived from a sense of virtue," that is the proper object of ethics.² This would exist, if there were only one man in the world.³ It is not evident whom More has in mind here, and the criticisms which follow do not apply to Universalistic Hedonism (which had not yet been advanced, at least in England⁴); but it is clear that More himself had no thought to develop what we would now recognize as a possible Intuitionist basis of the Utilitarian principle.⁵ As a matter of fact, the system is one of unconscious and undifferentiated Hedonism. More says, in substance: A thing is simply and absolutely good which is pleasing, not to the animal appetite, which man has in common with the brutes, but to the Boniform Faculty, which distinguishes him as a man.⁶ However, as the author frequently admits, this particular kind of pleasure is not sufficient in order to perfect happiness. A certain amount of external goods is necessary.⁷ The Good, then, is happiness, and happiness is pleasure, — but pleasure of a particularly refined sort, such as only a person of developed moral sensibilities could enjoy. The happiness considered is almost always that of the agent; but it would be as unjust to call the system Egoistic as it would be misleading to call it Utilitarian. In place of 'sociality,' or 'zeal for the public good,' More proposes, as the necessary unifying principle, "true and sincere love of God,"⁸ and holds that all the 'Noemata' may be reduced to this. In short, we have here a theological system of ethics, unconsciously hedonistic, but never more than vaguely suggesting Utilitarianism. If More had recognized the hedonistic charac-

¹ See p. 33.² See p. 35.³ See p. 36.⁴ The *Enchiridion* was published in 1669, and Cumberland's *De legibus naturae* did not appear till 1672.⁵ Cf. Sidgwick's *Methods of Ethics*, p. 380.⁶ See p. 47. Also the 'scholia' appended to Chap. ii, in which More attempts to distinguish his own view from 'Epicureanism.' ⁷ See, e.g., p. 2. ⁸ See p. 37.

ter of his own system, it is not impossible that he might have made 'the greatest happiness of the greatest number' the end of moral action, but the important fact for us is that he did *not* develop his system in this direction.

We shall now turn to a more careful examination of the first English moralist who can properly be termed a Utilitarian. We have not here, as often happens, the difficulty of keeping in mind two or more different works by the same author, possibly differing in point of view, when considering any particular problem arising in connection with the system. In fact, the task might seem to be an easy one, as we have to depend, for our knowledge of Cumberland's ethics, wholly upon the treatise entitled *De legibus naturae*,¹ which was first published in 1672. This, however, is by no means the case. While a thinker of no ordinary ability, and standing for a principle which has become clearly differentiated in the later development of English Ethics, Cumberland is so utterly lacking in a talent for exposition that the adequate presentation of his views is a matter of peculiar difficulty. Indeed, even apart from its singular lack of method, the fact that the work is so largely controversial in character, increases the difficulty of extracting from it the author's own system. The order of exposition is in many respects so unfortunate that one is tempted to disregard it altogether; but, even at the expense of some repetition, it seems desirable to begin by noticing the principal points in the author's own somewhat elaborate Introduction. Here he was certainly writing with his whole system in view,² and it is well to let the somewhat heterogeneous elements that enter into it appear first in as close combination as they are capable of. After this

¹ The whole title reads: *De legibus naturae: disquisitio philosophica, in qua earum forma, summa capita, ordo, promulgatio, et obligatio e rerum natura investigantur; quin etiam elementa philosophiae Hobbianae, cum moralis tum civilis, considerantur et refutantur*. The passages cited in the following exposition will be from the English translation by John Maxwell, published in 1727, and all references will be to the pages of that edition.

² It is to be noticed that he constantly uses the past tense, showing what *has been* the method of exposition in the following work.

general survey of the system, based upon the Introduction, we shall neglect the author's own order of exposition, and consider topically all the important problems which are discussed in the treatise.

Cumberland begins by asserting that the Laws of Nature are the foundation of all moral and civil knowledge. They may be deduced in two ways: (1) From the manifest 'effects' that flow from them; (2) from the 'causes' whence they themselves arise. The author chooses to adopt the latter method, *i.e.*, that of 'arguing from cause to effect.' The former is practically the inductive, the latter the deductive method. Two objections are commonly made to the inductive method, as applied to the solution of the present problem. (1) It is said that we cannot infer from the writings of a few men, or even nations, what are the opinions or judgments of all men. (2) Even if the above objection did not hold, 'the authority of a known law-giver' is wanting to give these judgments the force of 'laws' to all men.¹ To neither of these objections does Cumberland himself attach much weight. The agreement of men is practically complete as to the things most essential, *e.g.*, worship of some deity, and a degree of humanity sufficient to prevent murder, theft, and adultery. Again, if the Laws of Nature be 'laws' at all, they need no new authority superadded to that originally belonging to them. However, to establish the existence of Natural Laws beyond the possibility of a doubt, Cumberland proposes to reverse the usual order of treatment. He says: "I have thought it proper to make a philosophical inquiry into their causes [*i.e.*, those of the Laws of Nature], as well internal as external, the nearer and the more remote; for by this method we shall at last arrive at their first Author, or efficient Cause, from whose essential perfections, and internal sanction of them, by rewards and punishments, we have shown that their authority arises."²

It will be seen that the method to be employed can hardly be described by the single word 'deductive.' First, we must work back to the First Cause; then, from the nature of the

¹ The reference here is plainly to Hobbes.

² See p. 13.

deity, as well as from human nature, which will have been considered on the way, certain results will follow. The 'Platonists,' to be sure, find an easy way out of the difficulty by assuming 'innate ideas'; but Cumberland is obliged to confess that he has "not been so happy as to learn the Laws of Nature in so short a way."¹ Not that he will oppose those who believe themselves more fortunate in this respect; but it seems ill-advised to base everything upon "an hypothesis which has been rejected by the generality of philosophers, as well heathen as Christian, and can never be proved against the Epicureans, with whom is our chief controversy." The reference to the 'Epicureans' is significant. The author proposes to fight Hobbes with his own weapons. And, this being the case, he sets out to prove that "the Nature of Things, which subsists and is continually governed by its First Cause, does necessarily imprint upon our minds some practical propositions . . . concerning the study of promoting the joint felicity of all rationals; and that the terms of these propositions do immediately and directly signify, that the First Cause, in his original constitution of things, has annexed the greatest rewards and punishments to the observance and neglect of these truths." Whence it manifestly follows that these are 'laws,' "Laws being nothing but practical propositions, with rewards or punishments annexed, promulg'd by competent authority."²

The first point to be established, then, is that there *are* Laws of Nature, in the legitimate sense of the words. Having indicated his line of argument, which we shall consider later, Cumberland proceeds to the more characteristic and constructive part of his doctrine. From a consideration of the practical propositions which may fairly be ranked as Laws of Nature,³ it appears that they may be reduced to one universal one. This may be expressed as follows: "The endeavor, to the utmost of our power, of promoting the common good of the whole system of rational agents, conduces, as far as in us lies, to the good of every part, in which our own happiness, as that of a part, is

¹ See p. 14.

² *Ibid.*

³ Cumberland nowhere attempts exhaustively to enumerate them.

contained. But contrary action produces contrary effects, and consequently our own misery, among that of others.”¹

This reduction of the several Laws of Nature to a single ultimate one, regarding conduct on the part of the individual that shall conduce to the common weal, is shown by the author to be useful in a double way: (1) it is easier to remember (*sic*) one principle than many; and (2) “a certain rule or measure is afforded to the prudent man’s judgment, by the help whereof he may ascertain that just measure in his actions and affections in which virtue consists.”² This is eminently characteristic. The author’s aim is practical throughout.³ If he attempts to rationalize morality, to give a scientific explanation and justification of the existing moral code, it is in order that his work may prove an important help to right living. It is probable that Cumberland, like some contemporary writers, considerably exaggerates the ‘practical’ value of correct ethical theory.

The relation between Cumberland’s Laws of Nature and Cudworth’s Eternal Truths should be noticed. How shall we distinguish the so-called ‘practical principles’ which we have been considering, from others equally ultimate, *e.g.*, those of mathematics? We say that the former ‘oblige’ us; the latter not,—but why? Simply by reason of the nature of the effects, according to Cumberland. We can *afford* to disregard many, at least, of the truths of geometry; not so the moral law, for our happiness,—and, as the author shows later, even our preservation,—depends upon our observance of it. The criterion, then, is frankly that of ‘consequences,’—a fact that must be borne in mind. But these ‘consequences,’ in part, at least, are not arbitrary. “The happiness of each individual (from the prospect of enjoying which, or being deprived of it, the whole sanction is taken) is derived from the best state of the whole system, as the nourishment of each member of an animal depends upon the nourishment of the whole mass of blood diffused through the whole.”⁴ Now the actions which, by virtue of their own ‘natural’ force and efficacy, are calcu-

¹ See p. 16.

² See p. 30.

³ See p. 36.

⁴ See p. 21.

lated to promote the common good, are called 'naturally good.' Again, the common good being the end, "such actions as take the shortest way to this effect . . . are naturally called 'right,' because of their natural resemblance to a right line (*sic*), which is the shortest that can be drawn between any two given points, . . . but the rule itself is called 'right,' as pointing out the shortest way to the end."¹

All this is characteristic and important, making allowance for the quaint use of language. The comparison of humanity to an organism is one to which the author constantly recurs.² That there is no 'categorical imperative' for Cumberland, is clear. The Laws of Nature themselves have, and need, a 'reason for being.' Conduct in accordance with them conduces to the common weal. It is with reference to this end, that even they are 'right.'

The Introduction closes with a confession on the part of the author that his work is not altogether literary in style or method. The passage is itself, perhaps, calculated to emphasize this statement: "Its face is not painted with the florid colors of Rhetoric, nor are its eyes sparkling and sportive, the signs of a light wit; it wholly applies itself, as it were, with the composure and sedateness of an old man, to the study of natural knowledge, to gravity of manners, and to the cultivating of severer learning."³

We shall now neglect the author's own order of exposition almost entirely, and endeavor to see the system as a whole, both in its strength and its weakness. It might seem as if we were logically bound to begin with a consideration of the Nature of Things, as Cumberland himself professes to do.⁴ A very casual examination of the work under consideration, however, would be sufficient to show that the titles of the chapters give but a very indefinite idea of the nature of their contents. What Cumberland actually does, at the beginning of his treatise, is to explain at considerable length and with great care his notion of Laws of Nature. It is probable, however, that

¹ See p. 22. ² See, *e.g.*, p. 115. ³ See p. 36. ⁴ See title of first chapter.

he was induced to do this largely for controversial reasons ; and we are first of all concerned with the constructive part of the work, although it is quite impossible to separate this entirely from the controversial part. It must always be remembered, — the title of the treatise to the contrary notwithstanding, — that the jural aspect of the system is *not* its most essential feature. Cumberland held the views that he did regarding Natural Laws in common with a great many of his contemporaries, — perhaps the majority of those representing the conservative tendency.¹ His originality consisted in his attempt to discover an underlying principle from which all the special moral ‘laws’ or ‘practical propositions’ could be deduced.

It does not seem best, then, to begin, as Cumberland actually did, with an examination of the concept of Natural Law. Nor is one tempted to begin with the Nature of Things, ostensibly the first topic treated. Cumberland uses that expression throughout the treatise as if its meaning were perfectly clear and understood by everybody. His utterances on the subject, however, have all the confusion to which an author is liable whose interests are wholly practical, and who yet is obliged to speak in terms of an implicit metaphysic. At present we need notice only two passages. “The Nature of Things does not only signify this lower world, whereof we are a part, but its Creator and Supreme Governor, God. . . . It is certain that only true propositions, whether speculative or practical, are imprinted upon our minds by the Nature of Things, because a natural action points out that only which exists, and is never the cause of any falsehood, which proceeds wholly from a voluntary rashness, joining or separating notions which Nature has not joined or separated.”² Again, “We cannot doubt of the nature of created beings, but that both things external, exciting thoughts in us, and our mind comparing these thoughts, are the causes of Necessary Truths.”³ The vagueness and inconsequence of these remarks speak for themselves,

¹ Even Locke was strongly influenced by the current view.

² See p. 191.

³ See p. 192.

and show how unsatisfactory our author is when on metaphysical ground. It is hardly necessary to call attention to Cumberland's agreement with Descartes as to the origin of human error.

On the whole, it seems best to begin our examination of the system by considering the author's view of the nature of man and of society. We have seen that Hobbes regarded society as artificial. According to his view, it was made up of a certain number of mutually repellent atoms, each atom being the radically and unalterably egoistic individual. The 'contract' was a device by which the antagonistic wills of an indefinite number of self-seeking individuals gave place to the 'one will' of the sovereign. Cumberland pronounces emphatically against this view. When Hobbes likens men to 'wolves,' bears,' 'serpents,'¹ etc., he is guilty of libel against human nature. Referring to such remarks, our author says: "If they were true, it were evidently impossible to reduce such beasts of prey, always thirsting for the blood of their fellows, into a civil state."² The compact would avail nothing unless there were something in human nature that would make men abide by their promises. Cumberland might have added that Hobbes is not at liberty to make any ultimate appeal to reason in the matter, — even as showing what is for the individual's selfish interest, — for men learn what is 'good' for them, as well as what is 'right,' from the powers that be.

Hobbes had regarded the instinct of self-preservation, if not the conscious seeking of one's own pleasure, as the fundamental spring of human action. For Cumberland, on the other hand, sympathy is as much an attribute of human nature as a desire for one's own happiness. If this were not so, as is suggested above, society itself could not exist. To be sure, the author sometimes insists upon the pleasures of (a not too expensive) benevolence in a way to lead one to suspect that, after all, egoism may be at the basis of apparently disinterested conduct;³ but such passages hardly need detract from the force of dis-

¹ *De homine*, vol. ii (Latin works, Molesworth's ed.), p. 91.

² See p. 295.

³ See, *e.g.*, p. 211.

tinct utterances, like the above, regarding the impossibility of a society composed of absolutely egoistic individuals. The discussions regarding altruism *vs.* egoism which we meet with in the treatise, are sometimes quite confusing on account of the author's naïve certainty that the good of the individual and the good of society are *always* (in the particular case as well as in the long run) identical. We have seen that, in the Introduction, society is already compared to an organism.¹ Such being its nature, it is idle to speak of the good of one part as *opposed* to the good of another; for the good of any particular part (*i.e.*, any individual) clearly must depend upon the 'health of the social organism,' as Mr. Stephen would say. Cumberland does not go so far as some modern writers in pushing this analogy, but it helps to bring out an important side of his system.

So much in general regarding man's 'fitness' for society, so far as an original tendency in the direction of altruistic, as well as egoistic, conduct is concerned. Here man is regarded from the standpoint of society, which is to be compared to an organism rather than to a collection of mutually repellent atoms. When Cumberland has the individual more particularly in mind, he is apt to insist more upon the 'rational' nature of man. Before considering this question as to the meaning and scope of Right Reason, let us notice two definitions, and also the author's brief inventory of the powers of the mind. "By man," he says, at the beginning of Chap. ii, "I understand an animal endowed with a mind; and Hobbes himself, in his treatise of *Human Nature*, acknowledges the mind to be one of the principal parts of man." By 'animal' is understood "what the philosophers agree to be found in brutes: the powers of receiving increase by nourishment, of beginning motion, and of propagating their species." It is not quite clear that Cumberland would allow sensation to brutes.² How-

¹ See also p. 114.

² See, *e.g.*, p. 94. Also *cf.* Spaulding's *Richard Cumberland als Begründer der englischen Ethik*, p. 26. There is an immense amount of physiological data in the treatise, and it is sometimes hard to tell whether the author is speaking in terms of psychology or of physiology.

ever, he sometimes refers to sub-human manifestations of sympathy. As regards the mind, he says: "To the mind we ascribe Understanding and Will; to the Understanding we reduce Apprehending, Comparing, Judging, Reasoning, a Methodical Disposition, and the Memory of all these things and of the objects about which they are conversant. To the Will we ascribe both the simple acts of choosing and refusing, and that vehemence of those actions which discovers itself in the passions, over and above that emotion or disturbance of the body, which is visible in them."¹

Such details are merely preliminary, and we shall now ask what is meant by 'Right Reason,' an expression which is constantly recurring in the treatise. Hobbes had practically denied that there was any such faculty in man. In Cumberland's system, on the other hand, Right Reason plays an important, if a somewhat Protean part. Here, as in the case of the Nature of Things, we find a degree of confusion that can only be explained by the fact that the author's interests are purely practical, and that he is speaking in terms of an inconsistent metaphysic that he has never taken the trouble to think out. The following curious passage is perhaps the author's most explicit statement regarding the nature of Right Reason. He says, "I agree, however, with him [Hobbes] that by Right Reason is not to be understood an infallible Faculty (as he affirms many, but I know not who, to understand it); but yet by it is to be understood a faculty not false in these acts of judging. Nor is it properly understood to be an act of reasoning (as he too rashly asserts), but an effect of the Judgment; that is, true propositions treasured up in the memory, whether they be premises or conclusions, of which some that are practical are called 'laws,' for actions are compared with these in order to examine their goodness, not with those acts of reasoning which discover them; yet I willingly allow that these acts of reasoning are also included in the notion of Right Reason."² And then, as against Hobbes's view that, out of civil society, "every man's proper reason is to be esteemed, not only the

¹ See p. 94.

² See p. 103.

standard of his own actions, which he does at his own peril, but also the measure of other men's reason with respect to his affairs,"¹ our author adds that this cannot be the case, "For, out of civil society, any one may distinguish Right Reason without making a comparison with his own. Because there is a common standard . . . the Nature of Things, as it lies before us, carefully to be observed and examined by all our faculties."

The first of the passages just quoted is one of the most perplexed in the whole treatise. Right Reason is not an "infallible faculty," yet "not false in these acts of judging"; it is not properly an "act of reasoning," but the resulting "true propositions," — yet these "acts of reasoning" are, after all, to be included under Right Reason. This seems hopeless, but perhaps we may find what Cumberland means by not expecting to find too much. First, with regard to that other expression so often used, 'The Nature of Things.' Cumberland is a wholly naïve realist. By the Nature of Things he seems to mean all that actually and objectively *is*, — including God as well as his world. And it is needless to say that Cumberland's God is a 'transcendent' deity. This Nature of Things being posited, we have a perfectly objective standard as regards not only theoretical truths but practical propositions. The Reason of man is such as to fit him to apprehend this Nature of Things exactly as it is, always provided that he does not, by a 'free' act of will, choose to assent to that which is not clear and distinct. Cumberland's test of truth and theory of error are the same as Descartes's; he differs from the founder of modern philosophy, of course, in his rejection of 'innate ideas.' For Cumberland, then, having no theory of cognition other than that of common-sense, and caring only for the *truth* of the deliverances of Right Reason, it is a matter of indifference whether we call the latter a 'faculty,' an 'act of reasoning,' or the resulting 'true propositions.' In the last resort, Cumberland, like Descartes, seems to depend upon the necessary truthfulness of God.

We now see what, in general, Cumberland holds regarding

¹ This would apply, of course, only in the 'state of nature.'

the nature of man. He is not without original altruistic instincts, and is, moreover, essentially a rational being. That his instinctive altruism tends to fit him for society, goes of itself. But this alone is not sufficient. Alongside of the altruistic instincts, are others that must be recognized as egoistic. The relation in which the two stand to each other is not clearly expressed, but, at any rate, it is evident that they would be likely to conflict, if reason did not furnish a rule of conduct. Now man's rational character fits him for society in a double way.¹ (1) It enables him to see his own interests, not as something apart from, but in relation to, the common weal. (2) It enables him to apprehend and desire the Good, *qua* Good, quite independently of the question as to whose Good it may be.² Thus, "whoever determines his Judgment and his Will by Right Reason, must *agree* with all others who judge according to Right Reason in the same matter."³ Hence, to use Cumberland's own expression, "the fundamental cornerstone of the Temple of Concord is laid by Nature."

In any system of Ethics, it is of course necessary to distinguish between the (objective) 'end' of moral action and the 'motive' of the individual agent. We have already seen, in the Introduction, what the 'end' dictated by Right Reason is, and we shall have to consider it more at length later; but it is important for us here to ask more particularly than we have yet done, regarding the motive of the individual agent—*i.e.*, whether, and how, he can directly will the 'common good.' Here, again, our author's utterances are confusing. For instance, in Chap. ii, he says: "For universal benevolence is the spring and source of every act of innocence and fidelity, of humanity and gratitude, and indeed of all the virtues by which property and commerce are maintained."⁴ But when later, in the next chapter, Cumberland attempts to explain how man can will the common good, he rests the argument mainly upon

¹ This will appear from what follows regarding the motive of the individual agent.

² It will readily be seen that this second function of Right Reason is hardly consistent with the principles of the system.

³ See p. 107.

⁴ See pp. 114, 115.

the rational nature of man ; and proposes to demonstrate the possibility of altruistic conduct *a priori* to those who acknowledge the nature of the will to consist in "the consent of the mind with the judgment of the understanding, concerning things agreeing among themselves."¹ Since the understanding is able to judge what is 'good' for others, as well as for the agent himself, there is no reason why one cannot act in a purely altruistic way. Just what Cumberland means here will be seen more clearly by referring to what he says² regarding Hobbes's contention that we first desire things, and then call them 'good.' Cumberland holds, on the contrary, "that things are first judged to be good, and that they are afterwards desired only so far as they seem good."

This, of course, is all unsatisfactory. From a general statement of the universality of a certain degree of benevolence, we have passed to a bit of more than questionable psychology, used to explain the possibility of altruistic conduct. But Cumberland does not always attempt to rationalize the matter in this way. Somewhat earlier in the treatise,³ he attempts to show how altruistic feelings would naturally arise and be fostered, not only among men, but also among the higher animals. We may omit as irrelevant the first two considerations urged and pass to the third, which is, that "the motion of the blood and heart, which is necessary to life, is befriended by love, desire, hope, and joy, especially when conversant about a *great* good." But a good known to extend to the most possible will by that very fact be recognized as the greatest. Hence benevolent affections will conduce to the *preservation* of man or animal, as the case may be. A fourth argument is "that animals are incited to endeavor the propagation of their own species by the force of the same causes which preserve the life of every individual, so that these two are connected by [a] tie evidently natural."⁴ The details of the argument are not particularly convincing. The important point is: Cumberland argues that altruism comes in with sexual love and the parental

¹ See p. 173.

² See p. 168.

³ See p. 122 *et seq.*

⁴ See p. 128.

instinct to protect offspring. Having once arisen, there is no reason why it may not extend ever so much further.

But in the latter part of the treatise,¹ there is an interesting passage which should not be neglected. The author says: "No one does truly observe the law unless he sincerely propose the same end with the legislator. But, if he directly and constantly aim at this end, it is no diminution to the sincerity of his obedience that, at the instigation of his own happiness, he first perceived that his sovereign commanded him to respect a higher end." There is a suggestion here that the individual first comes to act in an (objectively) altruistic way, because he finds that it conduces to his own happiness; but, this *habit* having been established, he comes to act for the common weal without any thought of self. This doctrine will be found clearly worked out in the case of two, at least, of Paley's predecessors, *i.e.*, Gay and Tucker.

From the above it will be seen that, while Cumberland's view of the nature of man is in striking contrast to that of Hobbes, and in substantial agreement with that of Grotius, his treatment of the motive of the individual is rather vague and unsatisfactory. It is difficult to say whether, according to our author, moral action is ever prompted by purely disinterested benevolence or not. To be sure, all discussions of the kind are likely enough to end in misunderstanding, because the 'egoism' and the 'altruism' of which we speak with so much confidence are themselves more or less of the nature of abstractions. Granted that the good of the individual is inextricably connected with the good of society in certain respects, why should we expect to find the 'self-regarding' and the 'other-regarding' affections clearly differentiated? If Cumberland had contented himself with showing that, in the case of beings endowed with sympathy, 'egoism' and 'altruism' must often coincide, we should have had no reason to complain of his treatment. But this he did not do. To what an extent he was capable of confusion on this point, may be seen by referring to the more than paradoxical passage in the Introduction,²

¹ See p. 275.

² Not previously quoted. See p. 30.

in which he attempts to prove that he who performs good actions in gratitude for benefits already received, shows less generosity than one who is moved to action "by the hope only of good." The relation of Cumberland's biological proof of altruism to evolutionary theory is obvious. At the same time, it should be noted that his position here is not inconsistent with his essentially static view of the Nature of Things.

CHAPTER II.

THE ETHICAL SYSTEM OF RICHARD CUMBERLAND (*Continued*).

HAVING considered somewhat at length Cumberland's view of the nature of man, we shall now turn to the second main division of our exposition, which depends essentially upon the above, *i.e.*, his doctrine of the Good. Although the author is particularly concerned to show the eternity and immutability of the Laws of Nature, this jural aspect of the system, which will be considered later, must not blind us to the fact that for Cumberland there is nothing corresponding to Kant's 'categorical imperative.' On this point he is quite explicit, as might be expected from the general character of the system. He says: "These propositions are called practical, nor is it necessary that they should be pronounced in the form of a gerund, 'this or that *ought* to be done,' as some school-men teach; because that fitness which is expressed by a gerund wants explanation."¹ The form of the propositions makes no particular difference, as the author goes on to show. They may be given: (1) as statements of fact, *i.e.*, that certain things necessarily conduce both to the 'common good' and to that of the individual agent; or (2) as commands, *i.e.*, as Laws of Nature; or (3) as 'gerunds,' in the sense indicated above. Evidently we have here to do with an Ethics of the Good, and not with a Duty ethics.

But what is the Good? Cumberland has much to say regarding the good of each and the good of all, 'natural' good and 'moral' good; but he nowhere tells us as definitely as we could wish exactly what the Good is. It is a little curious that, just after remarking that "it is of the last consequence to establish a well-grounded and irrefragable notion of Good,"² he should make no serious attempt to do so, but indulge in a number of characteristic criticisms of Hobbes.

¹ See p. 180.

² See p. 169.

Throughout the treatise Cumberland is concerned to oppose the two following related views of Hobbes regarding the Good: (1) that the [natural] Good for each man is merely what he wants; and (2) that, before the establishment of the state and the enacting of civil laws, there is no 'measure' of the Good.

We have already seen that, in opposition to Hobbes's doctrine that we call a thing good because we want it, Cumberland holds that we want it because first we believe it to be good.¹ As regards the view that in a 'state of nature' there is no 'common measure,' the author somewhat naively asserts that of course there is,—the Nature of Things.² In the same paragraph, however, he explicitly says: "Whatsoever proposition points out the true cause of preservation does at the same time show what is true good." Later in the treatise, Good is defined as: "that which preserves, or enlarges and perfects, the faculties of any one thing or of several." And a few lines further on: "that is good to man which preserves or enlarges the powers of the mind and body, or of either, without prejudice to the other."³

The first passage quoted may sound like Hobbes; but of course what Cumberland has in mind, when he speaks of preservation, is the preservation, not primarily of the individual, but of society,—the 'health of the social organism,' in Mr. Stephen's phrase. Another important difference is that Cumberland's idea of the Good, from this point of view, includes perfection as well as preservation. Indeed, the emphasis is certainly to be laid upon perfection. Man is not merely a bundle of egoistic appetites, but a being essentially rational,—a personality to be developed.

But in chapter v, we have an example of the other set of passages, even more numerous, which might be cited as showing that Cumberland's ideal was that of ordinary Hedonism.

¹ Connected with this is the question regarding the permanence of the Good. Cumberland holds that "Hobbes's fiction that good and evil are changeable is perfectly inconsistent with the necessary and immutable causes which he everywhere asserts of the being and preservation of man" (p. 62). It is to be doubted if this is at all conclusive against Hobbes.

² See p. 62.

³ See p. 165.

"I proceed more fully to explain the common, which also I call the public good. By these words I understand the aggregate or sum of all those good things which either we can contribute towards, or are necessary to, the *happiness* of all rational beings, considered as collected into one body, each in his proper order."¹ The 'rational' beings referred to are God and all men. Animals are placed practically on the same level with the vegetable world. "The perfection² of these things is not properly, — at least not ultimately, — sought after; their use and concurrence with our actions towards the good of rational beings is the thing intended."

As it is not clear, — thus far, at any rate, — in what terms Cumberland would have defined the Good, if he had been forced to be more exact, it becomes important to consider his treatment of happiness. This is decidedly careless, and sometimes 'circular,' *i.e.*, the Good is frequently defined in terms of happiness, while happiness is sometimes³ defined as 'the possession of good things.' Indeed, Cumberland occasionally uses the words interchangeably even in the same sentence. However, allowing for his careless use of language, with which we are already familiar, his theory seems to be that human happiness results largely from action, particularly from the exercise of one's intellectual powers. For instance, in treating of the rewards that attend observance of the Laws of Nature, he speaks of "that pleasure or part of our happiness which is necessarily contained in such natural employment of the human faculties as leads to the best end . . . for all exercise of natural powers, especially of the highest order, in which we neither miss our aim nor turn out of the direct road, is naturally pleasant."⁴ Now freedom from evil or uneasiness may depend upon external circumstances; no other pleasures than the so-called 'active' ones take their rise from within ourselves. Hence this is the only happiness to which moral

¹ See p. 202. The title of this long and important chapter is: "Of the Law of Nature and its Obligation."

² Note the use of the word.

³ See, *e.g.*, p. 43.

⁴ See p. 100. *Cf.* p. 211, where Cumberland emphasizes the pleasures of success in one's undertakings.

philosophy directs us.¹ But again, Cumberland says: "I have no inclination very curiously to inquire whether the happiness of man be an aggregate of the most vigorous actions, which can proceed from our faculties; or rather a most grateful sense of them, joined with tranquillity and joy, which by some is called pleasure. These are inseparably connected, and *both necessary* to happiness."² This is one of the most ambiguous of the passages making for hedonism.³ It will be noticed, however, that 'tranquillity' is distinctly stated to be an essential constituent of pleasure.

As regards the nature, or rather the cause, of this tranquillity, the author speaks earlier in the treatise of an 'essential part' of happiness, *i.e.*, "that inward peace which arises from an uniform wisdom, always agreeing with itself."⁴ If we act differently toward others from what we do toward ourselves, we have the discomfort that attends any inconsistency. But, in addition, "that great joy is also wanting which arises in a benevolent mind from a sense of the felicity of others." Of course, tranquillity does not depend entirely upon 'consistency' in thought and action. We saw but a moment ago that it depended materially upon external things. It also depends largely, according to Cumberland, upon the consciousness of having deserved well of our fellows. But it is characteristic of our author to insist upon the partial dependence of tranquillity upon having acted consistently.

So far, then, happiness is seen to consist principally in (1) the pleasures attending our normal, particularly our intellectual, activities; (2) tranquillity, which depends partly upon (*a*) external circumstances, (*b*) the feeling that we have been 'consistent' in thought and action, (*c*) the consciousness that we have acted for the common weal; and (3) the pleasure which results from a knowledge of the happiness of others.

What shall be said, then, with regard to Cumberland's view

¹ This passage is not to be too much insisted on. By itself, it is misleading.

² See p. 209.

³ Strictly speaking, of course, it leaves open the question as to what terms we shall use (hedonistic or otherwise) in defining the Good.

⁴ See p. 44.

of the Good in general? We have seen that he speaks, now in terms of 'preservation' and 'perfection,' now in terms of 'happiness.' In one passage, while maintaining the somewhat trite thesis that 'virtue is its own reward,' he says: "I care not in this argument to distinguish between the health of mind and the consciousness or enjoyment thereof by reflection, since nature has so intimately united these two, that the free exercise of the virtues and the perception or inward sense thereof are inseparable."¹ A statement like this must put us on our guard against expecting too definite an answer to the question which we are considering. 'Happiness' always attends 'perfection'; 'perfection' is necessary in order that we may attain 'happiness.' Practically, then, it makes little difference which we say, — and Cumberland's aim was preëminently a practical one, as we have seen. I do not believe that it is possible dogmatically to decide on either interpretation. We should be forcing a distinction, important for us, upon an author who regarded it with frank indifference. Indeed, it would be much truer to say that both happiness and perfection, in our understanding of the words, are included in our author's conception of the Good.

It should be noticed, however, that Cumberland's actual treatment of 'happiness' is a good deal clearer than his treatment of 'perfection'; and there is always the lurking possibility that the latter may be regarded as of such importance, because it is a necessary means to the former. The general impression which the system gives one certainly is that, on the whole, it is hedonistic. At the same time, it would be sheer misrepresentation to hold that it is consistently so. It is much better to let the two principles, which we now regard as logically distinct, stand side by side, recognizing, however, that greater emphasis is laid upon 'happiness' than upon 'perfection.'

This comparatively vague treatment of 'perfection' has led Professor Sidgwick to hold that Cumberland "does not even define perfection so as strictly to exclude from it the notion of

¹ See p. 265.

moral perfection, or virtue, and save his explanation of morality from an obvious logical circle.”¹ I am inclined to think that, for once, Professor Sidgwick is wrong in his interpretation. As Dr. Spaulding has shown,² the ‘perfection’ referred to is a ‘perfection of mind and body,’³ which is explained as the ‘development of their powers.’⁴ This will be plain if we keep in mind what Cumberland says regarding ‘naturally’ good things. These are defined as (1) those which adorn and cheer the mind, and (2) those which preserve and increase the powers of the body.⁵

We shall now have to notice the distinction (just referred to) which Cumberland makes between what is ‘naturally’ and what is ‘morally’ good. This has been ignored hitherto, because it is likely to lead to confusion. What things ‘naturally’ good are, we have just seen. On the other hand, “only voluntary actions conformable to some law, especially that of Nature,” are ‘morally’ good. It is quite misleading, when Cumberland insists that ‘natural’ good is more extensive than ‘moral’ good. It is not a matter of more or less, but of what we may call, for convenience, the ‘substantive’ and the ‘adjective’ use of the word ‘good.’ Certain things, once for all, do, according to the eternal nature of things, conduce to man’s preservation, perfection, and happiness. These are ‘naturally’ good, or, as we now prefer to say, they constitute the Good. On the other hand, those ‘voluntary actions’ which conduce to the Good, and so fulfil the Laws of Nature, are called ‘morally’ good. This is a particularly unfortunate use of language, for it looks at first as if Ethics had to do only with the ‘morally’ good. This is so far from being true that ‘natural’ good is the ultimate, not that which is ‘morally’ good; otherwise Cumberland would be involved in a manifest circle at the very outset. But while Ethics must needs begin with a consideration of ‘natural good,’ — ‘the Good,’ as we shall call it, — it is not equally concerned with all that would ideally go to consti-

¹ See *Hist. of Ethics*, p. 173.

² See *Richard Cumberland*, p. 55 *et seq.*

³ See p. 305.

⁴ See p. 165 *et seq.*, already referred to.

⁵ See p. 203.

tute the Good. Cumberland himself, in the first chapter of the treatise,¹ calls our attention to the usefulness of the Stoics' distinction between things in our power and things out of our power. Now Ethics, from the nature of the case, must be practically limited in its scope to a consideration of things in our power. At the same time, to limit the Good to things in our power would be obviously stultifying, whether we accept preservation, perfection, or happiness (in our sense of the word) as the criterion. The only type of Ethics which can do that is the 'duty Ethics,' the Ethics of the 'good will'; and, however heterogeneous the elements may be that enter into Cumberland's system, he surely is not affiliated to the school referred to.

So far we have been considering the Good quite in general. As a matter of fact, of course, when the Laws of Nature are under consideration, Cumberland has in mind, not the good of any individual or class merely, but the good of all,—or rather, to be more exact, the good of the greatest number. Indeed, that this good of the whole is greater than the (hypothetical) good of the isolated part, and therefore the 'greatest end' of human action, Cumberland practically puts among self-evident truths.² But, as he says, "the good of the collective body is no other than the greatest which accrues to all, or to the major part of the whole."³ Although he speaks of society as an organic whole,—particularly when he is concerned to show that the good of each ultimately coincides with the good of all others,—he never loses sight of the claims of the individual, as some modern theorists, standing on much the same ground, are rather inclined to do.

It is to be remembered that the 'greatest end' is nothing less than the 'joint felicity of *all* rationals,' so that the happiness or glory of God is included, as well as the happiness of all men. If there be question as to the 'parts' of the 'greatest end,' and their 'order,' we are told: "that part of the end will be superior which is grateful to the nature of the more perfect being. So that the glory of God is chief, then follows the

¹ See p. 63.² See p. 97.³ See p. 60.

happiness of many good men, and inferior to this is the happiness of any particular person.”¹

Thus far we have neglected what Cumberland himself may very well have regarded as most important, *i.e.*, the jural aspect of the system. As we have already seen, he begins with an elaborate discussion concerning the Laws of Nature. It did not seem best to follow his order of exposition, because this appeared to have been dictated in part by controversial considerations. Moreover, it is important to see that, — from our present point of view, at least, — the system stands alone, without the assistance of this scaffolding of Natural Laws.² At the same time one would have but a very inadequate idea either of the external form of the system or of the author's actual application of his unifying principle, without a knowledge of the substance of what he says regarding Laws of Nature. To this subject, then, we shall proceed. It will form the third, and last, main division of our exposition.

Hobbes had spoken much of Laws of Nature, but in a sense wholly different from that ordinarily attaching to the expression, as used by his contemporaries, — indeed, in a sense not easy to define, as we have seen. Cumberland returns to the original conception of Natural Laws,³ and is intensely in earnest in maintaining their existence.

It will be remembered that our author discards the doctrine of ‘innate ideas.’ We must, then, learn the Laws of Nature from experience. How does this take place? In early childhood, we act in a practically purposeless way until we come to recognize the different effects of different kinds of actions, not only upon ourselves, but upon others as well. “Hence,” as Cumberland naively says, “we draw some conclusions concerning actions acceptable to God, but many more concerning such as are advantageous and disadvantageous to men.”⁴ When, in

¹ See p. 280.

² Of course this is not intended to beg the question as to the ultimate validity of a Utilitarian system.

³ As held, *e.g.*, by Grotius.

⁴ See p. 179.

maturer years, these conclusions come to be accurately expressed in a general form, they are called 'Practical Propositions.' We have already seen that the form of these propositions is immaterial. They may be expressed (1) as statements of fact, (2) as commands [laws], or (3) as 'gerunds.' Notwithstanding this, however, in the main body of the work, Cumberland almost always speaks of Practical Propositions as Laws, and is particularly concerned to show that they are technically such.

Hobbes had insisted that a Law must be *clearly* promulgated by a *competent* authority, *i.e.*, by one having power to enforce obedience; and had denied that the so-called Laws of Nature possessed either of these requisites. Cumberland, on the other hand, while accepting Hobbes's definition of a Law, attempts to show that the Laws of Nature are 'Laws' in precisely Hobbes's sense of the word. At the beginning of chapter v, he defines the [general] Law of Nature as "a proposition proposed to the observation of, or impressed upon, the mind with sufficient clearness, by the Nature of Things, from the will of the First Cause, which points out that possible action of a rational agent, which will chiefly promote the common good, and by which only the entire happiness of particular persons can be obtained."¹ The former part of the definition contains the 'precept,' the latter the 'sanction'; and the mind receives the 'impression' of both from the Nature of Things. Neither words nor any arbitrary signs whatever are essential to a Law. Given a knowledge of actions and their consequences, we have all that is needed.

With regard to the *clearness* that is to be looked for in the Laws of Nature, Cumberland says: "That proposition is proposed or imprinted by the objects with sufficient plainness, whose terms and their natural connection are so exposed to the senses and thoughts, by obvious and common experience, that the mind of an adult person, not laboring under any impediment, if it will attend or take notice, may easily observe it."² There are such propositions. They are analogous to the fol-

¹ See p. 189.

² See p. 192.

lowing: Men may be killed by a profuse loss of blood, by suffocation, by want of food, etc.

These propositions, then, are given in human experience with sufficient *clearness*. Is there any *power* behind them, capable of enforcing obedience? The very fact that certain consequences, good or bad, apparently always ensue upon certain classes of actions, would of itself suggest that this is the case. But we can go further. The Law of Nature, as above stated, points out the way to the common good; God must desire the common good; therefore these [derived] propositions must be regarded as Laws of God,—in which case there can be no question as to the ‘competent authority.’ The good or evil consequences which result from actions, must be regarded as ‘sanctions,’ divinely ordained. In a word, these Practical Propositions, derived from experience, are not only Laws, but Laws in the completest possible sense.

We are now quite prepared to understand Cumberland’s notion of Obligation. He says: “Obligation is that act of a legislator by which he declares that actions conformable to his law are necessary to those for whom the law is made. An action is then understood to be necessary to a rational agent, when it is certainly one of the causes necessarily required to that happiness which he naturally, and consequently necessarily, desires.”¹ Obligation is regarded as perfectly immutable, for it could change only with the Nature of Things.² That anything in what is so vaguely termed the Nature of Things³ could change, Cumberland did not for a moment suppose.

In treating of obligation, the author sometimes uses language which might suggest determinism. It is to be remembered, however, that he is an uncompromising libertarian,—so far, at least, as it is possible to define the position of one so little given to metaphysical speculation or the precise use of meta-

¹ See p. 233; *cf.* p. 206.

² See p. 226.

³ This is a good case to illustrate the ambiguity of the expression, ‘Nature of Things.’ Does the ‘immutable Nature of Things’ mean certain physical and other laws which remain constant? or does the ‘immutability’ extend to the natures of particular classes of beings?

physical language. By the 'necessity' and 'immutability' of the Laws of Nature, he simply means that, if certain acts are performed, certain consequences will necessarily ensue, now and always. That the acts themselves, in the particular case, are determined, he would deny. We have already seen that human error is explained by Cumberland in the same way as by Descartes, — *i.e.*, as resulting from a rash use of our Free Will, where we arbitrarily assent to that which is not clear and distinct.

It might seem highly improbable that so prominent and zealous a churchman as Cumberland, in treating of the 'sanction' of the Law of Nature, would fail to insist upon rewards and punishments after death; yet such is the case. In the Introduction he states that he has abstained from 'theological questions,' and has attempted to prove his position from 'reason' and 'experience.'¹ The treatise as a whole bears out this statement fairly well, it being understood that by 'theological questions' Cumberland means those pertaining to revelation. In one passage, he says: "Among these rewards [attending obedience to the Laws of Nature] is that happy immortality which natural reason promises to attend the minds of good men, when separated from the body";² but this is almost the only instance in which he directly refers to the future life in connection with the 'sanction,' and it is significant, perhaps, that even here he does not refer to future punishments. Cumberland's reticence on this subject is by no means difficult to explain, and it argues nothing against his orthodoxy. In the first place, as we have seen, he wished to confute Hobbes on his own ground. Moreover, he doubtless knew perfectly well that, for those who believed in immortality, rewards and punishments after death would be regarded as constituting by far the most important part of the sanction, whereas, to those who were skeptical in the matter, such considerations would not appeal at all.

But what Cumberland lost by confining himself to a consideration of the consequences of actions that might be expected

¹ See p. 34.

² See p. 267.

to ensue in this present life, he endeavored to make up by distinguishing sharply between (1) 'immediate' [internal] and (2) 'mediate' [external] consequences. The former are emphasized considerably at the expense of the latter, doubtless for the reason that here one might plausibly claim greater certainty. The wicked may, in particular cases, appear to flourish in our own day, as they did in David's time ; but the 'external' consequences of actions are by no means the only ones. By the 'internal' consequences, Cumberland might seem to mean simply the approval or disapproval of conscience, but this is by no means the case. He says : "The immediate connection between every man's greatest happiness of mind, that is in his power, and the actions which he performs to promote most effectually the common good of God and men, consists in this : that these are the very actions, in the exercise and inward consciousness whereof every man's happiness (as far as it is in his own power) consists." This is supposed to be "after the same manner as we perceive a connection between the health and unimpaired powers of the body and its actions."¹ The case, then, is regarded as analogous to the connection between feeling well and being well physically. If this seem like begging the question, it is to be observed further that man can find free scope for the varied activities (particularly mental) in which his happiness so largely consists, only by acting for the common weal.

As regards the 'mediate' effects, or external consequences of actions, Cumberland acknowledges that we have here to do, not with certainty, but with probability merely. Still it is a very high degree of probability. In the long run, actions tending to promote the common weal must lead to a maximum of possible happiness for the individual agent; actions against the common weal, to a maximum of possible unhappiness. If advantages are not to be procured in this way, *i.e.*, by acting for the common weal, they come under the head of 'things not in our power.' The Divine moral government of human affairs (here and now) is referred to as tending still further to justify the author's position.

¹ See p. 207.

The treatment of this subject is considerably perplexed, partly owing to the author's attempt to avoid the appearance of harboring egoism in his system, — an attempt, it should be added, which is not uniformly successful. From the controversial point of view, he doubtless had good reason to insist upon the greater importance of the internal sanction, and, indeed, his general position may very well be in accord with human experience; but it is to be doubted if the distinction will bear the weight which is actually put upon it in the treatise. For, by employing it, Cumberland attempted to prove the complete sufficiency of the 'sanction,' as given in the present life, for every moral agent whatsoever.

It will be seen that the whole account of 'obligation' brings out, in clear relief, the egoistic elements in the system. Cumberland's doctrine of obligation (so far as his explicit treatment is concerned) is not essentially different from Paley's, though it must be conceded that it is expressed in a much less offensive way. One may surmise that this appearance of egoism would have been more effectually guarded against, had it not been for the fact that the jural treatment of morality, involving emphasis on reward and punishment, was made necessary by the author's desire to fight Hobbes on his own ground.

Cumberland's deduction of the particular Laws of Nature from the general Law, which we have thus far been considering, is by no means elaborate. It is contained in the three short chapters: vi, "Of Those Things which are contained in the General Law of Nature"; vii, "Of the Original of Dominion, and the Moral Virtues"; viii, "Of the Moral Virtues in Particular."¹ The last chapter, ix, "Corollaries," as the name might suggest, does not properly belong to the systematic part of the treatise. In the pages immediately following we shall notice the principal points made in the three chapters first mentioned.

¹ The first five chapters are: i, "Of the Nature of Things"; ii, "Of Human Nature and Right Reason"; iii, "Of Natural Good"; iv, "Of the Practical Dictates of Reason"; v, "Of the Law of Nature and its Obligation." These titles, however, as already said, do not give a very definite idea of the nature of the contents of the several chapters.

Chapter vi, "Of Those Things contained in the General Law of Nature," is very short, and even so contains a good deal that has been treated before. This is rather disappointing, for it is just here that we should naturally look for the most important part of the 'deduction.' Two questions are proposed by the author: (1) What things are comprehended in the common good? and (2) What actions tend to promote it? The answer to the first question contains nothing new or to the present purpose. As regards actions tending to promote the common good, Cumberland divides them into classes, each corresponding to the particular 'faculty' of the mind supposed to be principally involved. Hence we have (1) acts of the Understanding, (2) acts of the Will and Affections, or acts of the body determined by the Will. Under the former head Cumberland treats of Prudence, which he divides into (*a*) Constancy, and (*b*) Moderation. Constancy, again, may manifest itself either as Fortitude or as Patience; while Moderation implies Integrity and Diligence, or Industry.

Passing to 'acts of the Will' enjoined by the Law of Nature, these are found to be all included in 'the most extensive and operative benevolence.' The author says: "It belongs to the same benevolence to endeavor that nothing be done contrary to the common good, and to correct and amend it if there has; hence Equity [or Justice] is an essential branch of this virtue."¹ This Universal Benevolence also includes Innocence, Gentleness, Repentance, Restitution, and Self-denial; and, further, Candor, Fidelity, and Gratitude. "In these few heads," says Cumberland, "are contained the primary special Laws of Nature and the fundamental principles of all virtues and all societies."

In this connection Cumberland asserts that some actions may be regarded as morally 'indifferent,' but the term is misleading. Those actions without which it is impossible to obtain the end proposed are 'necessary'; those to which there are others equivalent, *i.e.*, equally calculated to conduce to the common weal, are termed 'indifferent.' Every action, then,

¹ See p. 309.

may very well have a moral character; and yet it may be no more efficacious in promoting the 'greatest end' than certain other actions. Accordingly it may, in this sense only, be termed 'indifferent.' These cases, we are told, leave room for the greatest individual freedom; also for positive laws contracting such liberty within narrower bounds.

It will be seen that, however original and important may have been Cumberland's idea that the particular laws of moral action, or Laws of Nature, could be deduced from one principle, viz., that requiring of all moral agents conduct that should conduce to the common good; his 'deduction' of these particular Laws thus far contains little or nothing calling for remark, unless it be the naïve application of a more than usually crude 'faculty psychology,' where he distinguishes between acts of the understanding and those of the will and affections. This, however, is not relevant to the present discussion.

The two remaining chapters, vii, "Of the Original of Dominion and the Moral Virtues," and viii, "Of the Moral Virtues in Particular," treat incidentally of a great variety of topics, but are principally concerned with the Laws of Nature which have to do with the distribution and tenure of property. It does not seem best to follow the author's order of exposition, particularly as a matter touched upon in the earlier part of the book should be treated in connection with this subject.

It will be remembered that Hobbes had maintained, though not in so many words, that 'self-preservation is the first law of nature'; and also, as regards property, that in a state of nature each had a 'right' to all, — which, of course, means only that each had a 'right' to all that he could get and keep.¹ Otherwise stated, self-preservation (or the conscious seeking of one's own happiness) was regarded not only as a 'right,' but as the only original spring of action, while brute force was regarded as the only criterion. Possession was *ten-tenths* of the law; though, of course, this possession on the part of the strongest could be only of the most temporary character, owing to the (approximate) 'original equality' of men.

¹ As a matter of fact, this hypothetical 'right to all things' extended not only to the material good things of life, but to everything whatever.

As regards the former, self-preservation, Cumberland does not admit either that men have a primary and inalienable right to preserve themselves, or that the desire of self-preservation is naturally their ruling motive. He says, in chapter i, "Of the Nature of Things": "It cannot be known that any one has a right to preserve himself, unless it be known that this will contribute to the common good, or that it is at least consistent with it. . . . A right even to self-defence cannot be understood without respect had to the concessions of the Law of Nature, which consults the good of all."¹ This is nothing if not explicit; but it is to be noticed that we are here concerned only with the question as to what is to be regarded as the ultimate ethical principle. As regards our mode of action, this very 'good of all,' which is the ethical ultimate, demands that (in all ordinary circumstances) "every one should study his own preservation, and further perfection."² The degree to which one should subordinate one's own interests to the common good, depends, of course, upon circumstances. That it may extend even to the sacrifice of one's life, Cumberland would have been the last to deny. In such a case he would have maintained his general thesis, that the good of all and the good of each coincide, by insisting upon the benefits already received by the individual at the hands of society.³ We have already seen that this does not really prove his point.

Passing now to Cumberland's deduction of the right to personal property, we must remember that he was confronted with Hobbes's doctrine that, in a state of nature, each had a 'right' to all. His argument, which practically is, that society could not exist without proprietorship in the case of at least some things, however sound it may be in itself, can hardly be called the conclusive answer to Hobbes that he himself supposed it to be. The difference between the two was primarily regarding the nature of man, and not so much regarding the conditions under which society could exist. For it was just Hobbes's contention that society could *not* exist in what he chose to call a 'state of nature'; hence the absolute need of

¹ See p. 67.² See p. 69.³ See, *e.g.*, p. 27.

founding the state, and such a state as the 'Leviathan' that he described. The irrelevance of a good many of the author's particular criticisms of Hobbes cannot but strike the reader.

The controversial part of the treatise, however, is not that with which we are mainly concerned, so we pass on to Cumberland's own deduction of the right to property. It is somewhat important to notice the exact form of the argument. "It has been proved," he says, "that in the common happiness are contained both the highest honor of God, and the perfections both of the minds and bodies of men; moreover, it is well known from the Nature of Things that, in order to these ends, are necessarily required both many actions of men, and uses of things which cannot, at the same time, be subservient to other uses. From whence it follows that men, who are obliged to promote the common good, are likewise necessarily obliged to consent that the use of things and labor of persons, so far as they are necessary to particular men to enable them to promote the public good, should be so granted them, that they may not lawfully be taken from them, whilst the aforesaid necessity continues; that is, that those things should, at least during such time, become their property and be called their own. But such necessity continuing, by reason of the continuance of like times and circumstances, a perpetual property, or right to the use of things, and to the assistance of persons necessary, will follow to each person during life."¹

It is to be noticed that there are two parts in this deduction: (1) the argument for the original partition of goods; (2) the argument for the permanence of that partition.² These should be carefully distinguished. It is precisely in the confusion of the two that the obscurity of Cumberland's treatment of property lies.

(1) As regards the (original) *temporary* right to the use of things and the services of other people, there seems to be no

¹ See p. 313. Cf. pp. 64 *et seq.* This is put in the form of a Law on p. 315, which, of course, involves nothing but a purely verbal change.

² Involving inheritance, of course.

difficulty. Without some external things, the individual cannot exist, still less be of any service to his fellow-men. Moreover, "the same nourishment and necessary clothing which preserves the life of one man cannot at the same time perform the same office for any other." Hence, in practice, some of the things essential to the maintenance of life must be divided in order to be used at all. This applies absolutely, however, only to food and clothing. Cumberland certainly has a great deal more than these in mind. Indeed, he shows that in a state of nature, preceding the complete division of things, frequent disputes would arise "where it was not very evident what was necessary for each."¹ These, and also the sloth of those 'neglecting to cultivate the common fields,' would inevitably, he thinks, lead to the further division.

(2) But this division, having once been made, is *final*, owing to the assumed continuance of 'like times and circumstances.' The too easy transition from (1) to (2) is the weak point in the deduction. Some division had to be made; a certain division has actually been made; and the complete and abiding justice of this division Cumberland accepts as a matter of course. We need not discuss the division, he says, "because we all find it ready made to our hands, in a manner plainly sufficient to procure the best end, the honor of God and the happiness of all men, if they be not wanting to themselves."² That there is any way radically to remove the hardships of the present distribution (which certainly is not worse than it was in Cumberland's time), one would perhaps be the last to maintain; but the author's breezy optimism with regard to the felicity resulting from the existing distribution, is a little amusing, in the light of the economic problems of the present day. The choice, according to his view, would seem to be between the present system and "violating and overturning all settled rights, divine and human, and endeavoring to introduce a new division of all property, according to the judgment or affections of [some] one man."³

¹ See p. 321. ² See p. 322, particularly the passage at the bottom of the page.

³ See p. 323.

Indeed, Cumberland's argument for the existing distribution of wealth is curiously analogous to that of Hobbes for the absolute character of the then existing government. Hobbes had practically said : Any government is better than none ; choose between an absolute government (the only stable one) and none at all. Cumberland, as we have seen, practically says : Some division of property had to be made ; this actually was made ; choose between this and "violating and overturning *all* settled rights." In this connection, he remarks that, with Grotius, he highly approves of that saying of Thucydides : "It is just for every one to preserve that form of government in the state, which has been delivered down to him."

According to Cumberland, then, our ultimate right to that which we legally possess, under the existing order of things, depends upon the fact that a recognition of the sanctity of property is essential to the stability of society ; not so much upon the fact that our property enables us to promote the common good. If the latter were really the criterion, a partial redistribution of property every now and again might seem to be the inevitable consequence. My only object in referring to this is to call attention to the fact — somewhat important, as it seems to me — that Cumberland's criterion for the distribution of property applies only, or mainly, to the (hypothetical) *original partition* of the same ; not to the actual distribution as we now find it. And the (actual) 'original partition,' surely, was made upon anything but ethical principles.

With the last chapter, viii, "Of the Moral Virtues in Particular," we are not here specially concerned, as the fundamental principles have already been considered. The mode of treatment is sufficiently indicated by the following passage : "The special laws of the moral virtues may, after this manner, be deduced from the law of Universal Justice. There being a law given which fixes and preserves the rights of particular persons, for this end only, that the common good of all be promoted by every one, all will be laid under these two obligations, in order to that end : (1) To contribute to others such a share of those things which are committed to their trust, as may not

destroy that part which is necessary to themselves for the same end ; (2) to reserve to themselves that use of what is their own, as may be most advantageous to, or at least consistent with, the good of others.”¹ Thus abstractly stated, the principles may seem commonplace enough ; but it is characteristic of the best side of Cumberland’s ethical theory that, in carrying them out, he preserves so true a balance between duties of ‘giving’ and duties of ‘receiving.’ He himself says that, if confusion be attributed to him by reason of his recognition of the two classes of duties, the confusion must be attributed to Nature herself. Here, again, as so often, he illustrates his position by reference to what we know to be the conditions necessary to the preservation and health of any organism. His deduction of the particular virtues under each class, we need not stop to consider.

Although Cumberland’s ethical system has been treated topically throughout, in these two chapters, it seems desirable to restate, as briefly as may be, the principal results of our investigation. This is the more necessary on account of the somewhat heterogeneous elements that enter into the system.

I. Hobbes had regarded man as a bundle of egoistic instincts, and had practically denied the existence of Right Reason. Cumberland insists, on the other hand, that the non-rational side of human nature manifests altruistic as well as egoistic tendencies ; and also that man is essentially a rational being. Our sympathetic feelings are emphasized more when the author is thinking of society as an organic whole, while the rationality of man is usually brought out into strong relief when the discussion is regarding the individual. That the existence of sympathetic feeling ‘fits’ us for society is evident, of course. Our rationality, on the other hand, ‘fits’ us for society in a double way : (1) It enables us to see our own good as indissolubly connected with the good of society, and so leads to objectively moral conduct from ultimately egoistic motives ; (2) it enables us to recognize and desire the Good in and for itself, — irre-

¹ See p. 329.

spective of the question as to whose good it may be. The difference between these two parts which Reason plays is important. The second is apparently inconsistent with the general tendency of the system. Cumberland's view, that benevolent feeling first came into human life with sexual love and the parental instinct to protect the young, has been sufficiently noticed; as also his view that the kindly affections (regarded physiologically) tend toward the conservation of the individual, while the contrary is true of the malevolent affections. It should also be kept in mind that, when opposing the egoism of Hobbes, the author always attempts to prove, not simply that man *is*, to a certain degree, benevolent; but that he *must* be so, from the nature of the human organism and its relation to that greater organism, society, of which it is a constituent part. Cumberland's treatment of the benevolent feelings inevitably suggests the evolutionary view, but it is easy to see that it is consistent with his own static view of things. On the whole, we are left somewhat in doubt as to whether the motive of the moral agent is ever wholly altruistic. At the same time, as we have already seen, perhaps this is not one of the things which we should criticise in the system, as the question is a somewhat abstract one, which naturally did not trouble Cumberland, whose aim throughout was eminently practical. It was enough for him that we are practically altruistic in many of our actions, *i.e.*, free from selfish calculations regarding a probable reward.

II. Turning to the Good, we were obliged to conclude that it is described, now in terms of 'preservation' or 'perfection,' now in terms of 'happiness.' As regards the first set of passages, Professor Sidgwick is probably wrong in holding that Cumberland does not define perfection so as strictly to exclude 'moral perfection,' — which, of course, would involve him in a logical circle. From this point of view, the Good is that which preserves and perfects both mind and body. As regards the passages which seem to make 'happiness' the end, we were obliged to ask what was meant by 'happiness,' for the term is very vaguely used by early ethical writers. It was found to

be *pleasure* depending upon (1) the unimpeded (and effective) normal activities of mind and body ; (2) a tranquil frame of mind, which, in turn, depends upon (a) external circumstances, (b) the feeling that we have acted 'consistently,' (c) the consciousness that we have acted for the common weal ; and (3) a knowledge that others around us are happy. It will also be remembered that Cumberland distinguishes between what is 'naturally' and what is 'morally' good. 'Natural' good is the ultimate for Ethics. On the other hand, only voluntary actions which tend to that which is 'naturally' good, are 'morally' good. So much for the Good in general. Of course, what Cumberland sets up as the (objective) end of all truly moral action is the good of all, or of as many as possible.

III. As regards the Laws of Nature, we saw that the system did not really need such a scaffolding, and, indeed, that it was rather hampered than helped by it. At the same time, we had to recognize that the external form of the system was practically determined by this conception ; also that it was here that we must look for Cumberland's application of his unifying principle, *i.e.*, his deduction of the particular virtues. Hobbes had demanded that a Law should be 'clearly promulgated by a competent authority' ; and had denied that, in this sense, the Laws of Nature were Laws at all. Cumberland, on the other hand, is concerned to show that they are technically such. They are 'clearly promulgated,' for the effects of actions are uniform ; and we cannot doubt of the 'competent authority' in this case, for it is none less than the First Cause, the Author of Nature. The effects of actions were found to be treated only in so far as they belonged to the present life ; but a sharp distinction was made between the 'immediate' [internal] and the 'mediate' [external] effects, for the confessed reason that 'mediate' effects were somewhat uncertain. The deduction of the particular Laws of Nature was found to be hardly adequate, but, on the whole, consistent.

What shall be said of the system which we have been examining ? Cumberland's style is radically bad, his order of expo-

sition almost uniformly unfortunate. Moreover, a good many of his very numerous criticisms of Hobbes are somewhat wide of the mark. It might seem as if there were little use in attempting to revive interest in this practically forgotten moralist. Yet the curious fact is, that Cumberland alone, of the English ethical writers of his time, sounds modern, as we read him to-day. Hobbes and Cudworth were greater men; More had a more charming personality; but when we read their works, we feel that Egoism, Intellectualism, and theological Mysticism, as foundations of ethical theory, belong essentially to the past. Cumberland, on the other hand, 'builted better than he knew.' He was the first exponent, in England, at least, of a tendency which for a long time practically dominated English Ethics. And even this is not all. Though writing more than a century and a half before the publication of the *Origin of Species*, he viewed society as an organic whole. Perhaps no single phrase would express his ideal so completely as 'the health of the social organism'; and yet we regard that formula as the peculiar property of the present generation. Moreover, if he recognizes 'preservation' and 'perfection' on the one hand, and 'happiness' on the other, as parallel principles, we must concede that neither of these principles has definitely supplanted the other even yet. Indeed, — if one may venture to attribute anything like unanimity to the constructive ethical literature of the last few years, — it may be said that what is now being sought, more than anything else, is some principle at once comprehensive enough to combine these two seemingly antagonistic notions in a higher synthesis, and definite enough to serve as the basis of a coherent system of Ethics.

CHAPTER III.

THE RELATION OF SHAFTESBURY AND HUTCHESON TO UTILITARIANISM.

WHILE we are certainly bound to recognize in Cumberland's *De legibus naturae*, published in 1672, the first statement by an English writer of the Utilitarian principle, hardly any one would now claim that the system of the Bishop of Peterborough is free from ambiguity, or even internal contradictions. Indeed, throughout the treatise 'perfection' (in the sense of highest development of the powers of mind and body) is regarded as a principle parallel to that of 'the greatest happiness of all.' It is only by noting the greater emphasis laid upon the Utilitarian principle, the greater actual use made of it in rationalizing morality, that we are able confidently to place Cumberland, where he belongs, at the head of the distinguished list of English Utilitarian moralists.

We shall now attempt to trace the further development of the 'greatest happiness' principle. The first step might seem to be an obvious one; for Locke, — whose *Essay*, it will be remembered, was first published in 1689–90, — is popularly regarded not only as a Utilitarian, but as the founder of English Utilitarianism. One can hardly understand the prevalence of this mistaken view, particularly as no recognized authority on the history of English Ethics seems really to have committed himself to such an interpretation of Locke.¹

The fact is that Locke, while he devoted the first book of the *Essay* to controverting the doctrine of 'innate ideas' (as he understood it), is by no means opposed to Intuitional Ethics in

¹ To be sure, Whewell's treatment of Locke's system, at once careless and somewhat partisan, would be almost sure to mislead the ordinary reader. He takes no pains to distinguish between the supposed tendency of the system of thought as a whole and what Locke actually set forth as his own views on ethical subjects. At the same time, he does mention, toward the end of his exposition, certain features of the ethical system proper which ought to keep one from regarding it as standing for the 'greatest happiness' principle. (See *Hist. of Mor. Phil. in Eng.*, Lect. v.)

its more moderate form. To be sure, he holds that "good and evil . . . are nothing but pleasure or pain, or that which occasions or procures pleasure or pain to us."¹ If he had actually worked out his ethical theory on this basis, we should, of course, find him standing for acknowledged Hedonism, either Egoistic or Universalistic, presumably the latter. But this he did not do. It is always to be remembered that Locke never wrote a formal treatise on Ethics. One has to gather his views on the subject from works devoted to other matters, mainly from the *Essay* and the *Reasonableness of Christianity*. If the result is not altogether satisfactory, one must be particularly careful not to read into the philosopher's views on Ethics a consistency not to be found there. On the one hand, he was not a little influenced by the then almost universal conception of Laws of Nature; and, on the other, he seems to hold the contradictory theses (1) that human reason is not able to arrive at proper notions of morality, apart from revelation;² and (2) that moral, like mathematical, truths are capable of rigorous and complete demonstration.³ Often, indeed, Locke is concerned to show that, and how, the practice of virtue is conducive to happiness; but this, in itself, proves nothing. Nearly all his contemporaries, of whatever ethical school, did the same. It is wholly characteristic, when he speaks of Divine Law as "the eternal, immutable standard of right."⁴ In fact, apart from certain more or less doubtful corollaries from his metaphysical system,⁵ his ethical speculations were mainly on the theological plane. In so far as this was true, he did not, of course, definitely commit himself to any particular ethical theory. It would thus hardly be too much to say that Locke had no ethical *system* at all, in the strict sense of the word. This implies nothing whatever in disparagement of the philosopher, but simply that he never gave to Ethics a sufficient

¹ *Essay*, Bk. ii, ch. xxviii, § 5.

² See, e.g., *Reas. of Chr.*, Works, vol. vii, p. 141.

³ See, e.g., *Essay*, Bk. iii, ch. xi, § 16.

⁴ *Reas. of Chr.*, p. 133.

⁵ Like his position that the truths of Ethics are capable of quasi-mathematical demonstration.

amount of consecutive attention to develop a coherent system of his own. It is evident that our present object does not require that we delay longer for an examination of the ethical position of the author of the *Essay concerning Human Understanding*.

The case of two other important English writers, whose interests were preëminently ethical, presents much more difficulty. I refer to Shaftesbury and Hutcheson. While it is quite unusual, and, as it seems to me, equally unjustifiable, to class them as Utilitarians,¹ their systems do stand in a relation to Utilitarianism sufficiently close to require careful examination. And, unfortunately, it is quite impossible adequately to treat this matter without devoting to it more space than the present paper, — or, indeed, any brief sketch of the history of English Utilitarianism, — would permit. To do so, would mean to exhibit in detail all sides of these complex systems, and then to show the subordinate importance of their Utilitarian aspect. Here one must confine oneself, therefore, to a brief, if not somewhat dogmatic presentation of what, in itself considered, is worthy of much more elaborate treatment.

Two questions, in particular, occupied the ethical writers of the period which we are considering: (1) What is the [objective] 'end' of moral action? (2) What is the nature of man, and in what relation does this stand to the 'end'? But it might very well happen, — did constantly happen, in fact, — that different writers would give a very different emphasis to these two questions, fundamentally related as they are. Now Shaftesbury² was so concerned with the question regarding the nature of man, and with his idea that virtue is 'natural,' and consists in a proper 'balance' of the affections, that he practically failed to give the first question, that regarding the 'end' of moral action, explicit treatment. As a result, while we find in his system by far the best refutation of Hobbes which had appeared

¹ The relation of Hutcheson to Utilitarianism is much closer than that of Shaftesbury, as we shall presently see.

² The first edition of the *Characteristics of Men, Manners, Opinions, Times*, was published in three volumes, in 1711. The following references are to the second edition, published in 1714.

up to his time, it is particularly hard to say exactly how he would have defined the Good.

And first, with regard to the nature of man. Nothing is more absurdly fictitious, according to Shaftesbury's view, than Hobbes' 'state of nature.' In the first place, we can find no true starting-point for Ethics in the individual. Try as we may, we still find him forming part of a system.¹ But, keeping to the individual for the sake of the argument, "the creature must have endured many changes ; and each change, whilst he was thus growing up, was as *natural*, one as another. So that either there must be reckoned a hundred different states of nature ; or, if one, it can be only that in which nature was perfect, and her growth complete."² Again, nothing is so natural as that which conduces to preservation, whether the creature in question be man or animal. Then, "if eating and drinking be natural, herding is so too. If any appetite or sense be natural, the sense of fellowship is the same."³

We are now prepared to see that the popular antithesis between egoism and altruism, — upon which any theory of absolute egoism, like that of Hobbes, must be based, — is largely artificial. We may very well distinguish the 'natural' [social, benevolent] affections from the 'self' affections [love of life, bodily appetites, etc.], and both of these from the 'unnatural' affections [malevolence, etc.];⁴ but only the last are really bad. 'Self' affections are not only permissible, but necessary, while the 'natural' affections may exist in excess, and thus defeat themselves. Virtue, then, consists not so much in a triumph of the one set of impulses over the other as in a proper 'balance' between the two. As we have seen, man finds himself part of a system from the very first. Since he is originally a social being, he derives his greatest happiness from that which makes for the existence of society and the common weal. Hence the good of all tends to become realized

¹ *Inquiry concerning Virtue*, "Characteristics," vol. ii, p. 16 *et seq.*

² *The Moralists*, vol. ii, p. 316.

³ *Freedom of Wit and Humour*, vol. i, p. 110.

⁴ *Inquiry*, vol. ii, p. 86 *et seq.*

through the enlightened endeavors of each to attain his own *true* happiness ; for vice, according to Shaftesbury, ultimately springs from ignorance. Therefore "the question would not be, Who loved himself, or Who not? but, Who loved or served himself the rightest, and after the truest manner?"¹

Virtue, then, consists in the harmony of the first two classes of affections. But the necessary concomitant of virtue is happiness, just as pleasure attends the right state of the organism. The good man is his own best friend, the bad man his own worst enemy ; for every good act tends to harmonize the affections, every bad act to derange them.² Whether happiness itself be the Good, we shall have to ask almost immediately. Here we are only concerned with its relation to virtue, as the necessary concomitant of the latter.

Before leaving Shaftesbury's treatment of the nature of man, it will be necessary to consider his doctrine of a 'moral sense.' The importance of this doctrine for the system is, of course, variously estimated ;³ but certainly it cannot by any means be ignored. As the name would imply, the 'moral sense' is original. It is analogous to the faculty by virtue of which, as Shaftesbury assumes, we are able in some measure to appreciate the beautiful from the very first. But it is to be noted that both these faculties require cultivation. Thus the 'moral sense' is hardly the infallible thing which Butler thought he found in Conscience. It also differs from the latter in that it seems to belong almost wholly to the affective side of our nature. But though it acts, in a way, independently of reason, it is never in contradiction with the latter. On the contrary, its deliverances may be vindicated by reference to reason and experience. When it is perverted, this is through habitual wrong action (which deranges the affections), or through superstition.

Turning now to the author's account of the [objective] 'end'

¹ *Freedom of Wit and Humour*, vol. i, p. 121.

² *Inquiry*, vol. ii, p. 85.

³ Professor Sidgwick very justly says : "This doctrine, though characteristic and important, is not exactly necessary to his main argument ; it is the crown rather than the keystone of his ethical structure" (*Hist. of Ethics*, p. 187).

of moral action, we are prepared for some ambiguity. Of course the good of *all* must be the end, or must be implied by the end,¹ since the author begins with the conception of man as a social being. But what is the Good? Shaftesbury's frequent use of the word 'happiness' is not in itself decisive. Happiness, as we have just seen, is the necessary concomitant of the right state of the being in question. This latter seems at first to be regarded as the thing most important;² at the same time, it is impossible to deny that the author's interpretation of the Good often seems clearly enough to be hedonistic.³ In Cumberland we found 'happiness' and 'perfection' as distinct, but parallel principles. In Shaftesbury we do not, as it seems to me, find them thus in mechanical juxtaposition, but wrought together, so that they appear as different aspects of the same fact of moral health or harmony. If this be so, we have here a system more difficult than that of Cumberland to place under one of the conventional modern rubrics. The good of society is the test, indeed, but what this good is, Shaftesbury nowhere quite clearly states. To me the system seems to bear at least a closer relation to the modern doctrine of 'self-realization' than to Utilitarianism, and this, in spite of the author's habitual emphasis of the affective side of our nature, at the expense of the cognitive and volitional sides.⁴ It will be remembered that he constantly insists upon the importance of an harmonious development of the truly human nature, even where he is concerned to show that the practice of virtue is conducive to the agent's own happiness, and seldom, if ever, suggests definite hedonistic calculations as determining the morality of a given action or class of actions. In what has just been said, the complication arising from Shaftesbury's doctrine of a 'moral sense' has been purposely neglected. For many this would at once determine the non-Utilitarian

¹ See, *e.g.*, *Inquiry*, vol. ii, p. 77.

² See, *e.g.*, *ibid.*, p. 14, *et seq.* Cf. Sidgwick, *Hist. of Ethics*, p. 184, note.

³ See, *e.g.*, *Inquiry*, vol. ii, p. 99 *et seq.*

⁴ This one-sidedness of Shaftesbury's system doubtless arose in part from the fact that he was contending explicitly against Hobbes and implicitly against the Intellectualists.

character of the system ; but I should not regard the point as decisive, apart from other considerations. Moreover, it must be remembered that, if the system be regarded as really Utilitarian, its relation is to the later, not to the earlier Utilitarianism (excluding Cumberland), for Gay, Tucker, Paley, and Bentham regard the motive of the individual in moral action as ultimately egoistic.

It is customary to regard Hutcheson's system¹ as the logical development of Shaftesbury's; but, while true in a sense, this view requires important modification. Though we have already found in Shaftesbury's system practically all the elements that enter into Hutcheson's, the different emphasis which is given to two of these in the latter system should be carefully noted. Shaftesbury, in his explicit opposition to Hobbes and his implicit opposition to the Intellectualists, had tended to identify virtue with benevolence. At the same time, his fundamental thought seems to have been that virtue consists in the harmony of the 'natural' and 'self' affections. With Hutcheson, on the other hand, benevolence becomes much more prominent, and is practically regarded as the beginning and the end of virtue. Again, Shaftesbury had assumed the existence of a 'moral sense,' but his system is quite intelligible without it. On the other hand, it would hardly be too much to say that Hutcheson's main object was to prove the existence of a 'moral sense,' distinct from self-interest.

Let us consider the 'moral sense' first. This is defined as "that determination to be pleased with the contemplation of those affections, actions, or characters of rational agents, which we call virtuous." It is universal in distribution, immediate in action, and original in character. We are obliged to assume such a faculty, mainly because it is impossible to reduce our moral judgments to considerations of self-interest. This doctrine of a 'moral sense' is not to be confused with that of

¹ The *Inquiry concerning Beauty, Order, Harmony, Design* and the *Inquiry concerning Moral Good and Evil* appeared in 1725; the *Essay on the Nature and Conduct of the Passions and Affections*, and *Illustrations upon the Moral Sense*, in 1728. The *System of Moral Philosophy* was published posthumously in 1755.

'innate ideas,' to which it bears "no relation."¹ The 'moral sense' requires education and development, like our other faculties. In respect of importance, it appears to be designed for regulating and controlling all our powers.² It is to be observed that this faculty approves always, and *only*, of benevolence in the moral agent;³ also that "it gives us more pleasure and pain than all our other faculties."⁴

As we have just seen, benevolence, in this system, is the very essence of virtue; and (as with Shaftesbury) it is in the truest sense 'natural,' not a subtle refinement of egoism. Indeed, Hutcheson's extreme insistence on benevolence results in a one-sidedness which cannot be overlooked. Yet the author admits that the want of some degree of self-love would be "universally pernicious,"⁵ and even holds that one may treat oneself as one would a third person "who was a competitor of equal merit."⁶ He attempts to avoid the difficulty, — a real one for a system identifying virtue with benevolence, — by showing that we may moralize our naïve tendency to pursue our own happiness by remembering always that a due regard for it is necessary for the good of all. Again, he does not claim, of course, that the benevolence in which virtue practically consists is felt equally for all men; but rather likens it to gravitation, which "increases as the distance is diminished."⁷

The relation between benevolence and the 'moral sense' in the system is now tolerably plain. The fact that we approve benevolence, and nothing but benevolence, as virtuous, proves the existence of the 'moral sense.' If we had no such faculty, we should approve only what was advantageous to ourselves. On the other hand, it is our 'moral sense' that proves the essence of virtue to consist in benevolence. We must avoid confusion on one point, however: benevolence, as an impulse to virtue, is quite distinct from the 'moral sense,' as a disposi-

¹ *Inquiry into the Original of our Ideas of Beauty and Virtue*, second edn., p. xvi. Of course this is only Hutcheson's view of the matter.

² *System of Moral Philosophy*, vol. i, p. 61.

³ *Inquiry*, p. 196 *et seq.*

⁴ *Ibid.*, p. 242.

⁵ *Ibid.*, p. 172.

⁶ *Ibid.*, p. 174.

⁷ *Ibid.*, p. 220.

tion to receive pleasure from the contemplation of virtue. We do not act benevolently for the pleasure which we may thus obtain. That would be a contradiction in terms.¹

So much, then, for benevolence and the moral sense, as the two most important aspects of man's moral nature. Taken alone, however, they are not sufficient. Our natural benevolence is a merely general tendency impelling us to conduct for the good of our fellows, particularly those standing to us in the closest relations of life. As such, it needs guidance. And again, the 'moral sense,'—so far, at least, as we have yet seen,—simply approves of actions performed from benevolent motives. Thus it approves of what is 'formally' good,² the good intention. But when we are electing what course of action we shall pursue, we are to aim at that which is 'materially' good. Here it is still, perhaps, the 'moral sense' that gives us the clue, but for practical guidance we must depend largely upon our cognitive powers, as employed with reference to an external criterion.

It will be best to let the author give his own account of this very important matter. "In comparing the moral qualities of actions, in order to regulate our election among various actions proposed, or to find which of them has the greatest moral excellency, we are led by our moral sense of virtue to judge thus: that in equal degrees of happiness, expected to proceed from the action, the virtue is in proportion to the number of persons to whom the happiness shall extend; (and here the *dignity* or *moral importance* of persons may compensate numbers) and, in equal numbers, the virtue is as the quantity of the happiness or natural good; or that the virtue is in a compound ratio of the quantity of good and number of enjoyers. In the same manner, the moral evil, or vice, is as the degree of misery, and number of sufferers; so that, that action is best which procures the greatest happiness for the greatest numbers, and that worst which, in like manner, occasions misery."³

¹ *Inquiry*, p. 116.

² The distinction is made by Hutcheson himself. See *System*, vol. i, p. 252.

³ *Inquiry*, p. 177.

This looks at first like Utilitarianism pure and simple ; but Hutcheson is mainly interested in that which is *formally* good, the benevolent intention, and he develops a calculus, the object of which is to show the degree of morality of a given action in terms of the *net* benevolence of the agent, *i.e.*, excess of benevolence over self-interest. He begins with five ‘axioms.’ For example: Let M = moment of good; B = benevolence; and A = ability. Then $M = B \times A$.¹ These apparently simple ‘axioms’ lend themselves to decidedly elaborate computations, the ultimate object of which, in each case, is to ascertain the value of B . It must always be remembered, however, that M (the amount of happiness produced by the action) is assumed in these computations as a known quantity. Now M must be learned from experience, and the ‘hedonistic calculus’ of the Utilitarian must be employed to find it. Thus the calculus referred to supplements, but does not supplant, the ‘hedonistic calculus.’ In spite of the ‘moral sense,’ the actual content of the moral laws would have to be largely determined by Utilitarian methods.²

It may still seem as if the system were Utilitarianism in disguise, — and Hutcheson does actually stand in a much closer relation to the ‘greatest happiness’ theory than does Shaftesbury, — but the matter is not quite so simple as would at first appear. That which makes for happiness is the ‘materially’ Good, to be sure; but we have seen that “the dignity or moral importance of persons may compensate numbers.” Moreover, as might be expected, when the happiness of only one person is under consideration, the qualitative distinction between pleasures is regarded as absolute. The author says: “We have an immediate sense of a dignity, a perfection, or beatific quality in some kinds, which no intenseness of the lower kinds can equal, were they also as lasting as we could wish.”³ And this feeling of human dignity, we are told, is something which we have quite independently of the ‘moral sense.’⁴

¹ *Inquiry*, pp. 183–188.

² Such is actually Hutcheson’s procedure in many of his deductions.

³ *System*, vol. i, p. 117.

⁴ *Ibid.*, p. 27.

Again, Hutcheson, like Shaftesbury, insisted upon the disinterested motive of the truly moral agent. This, as we saw in the case of the latter author, would remove the system from Utilitarianism in its original (complete) form, as represented by Gay, Tucker, Paley, and Bentham. It is further to be noted that, while Hutcheson comes a good deal nearer than Shaftesbury to stating the Utilitarian principle (and was actually the first English writer, so far as I am aware, to hit upon the exact Utilitarian formula), he also emphasized the doctrine of a 'moral sense' much more strongly than Shaftesbury had done. This results in a very considerable complication. The 'moral sense' is by hypothesis ultimate. Now, not only is it, according to Hutcheson, the touchstone of virtue; but from it, either directly or indirectly, are derived the major part of our pleasures and pains. Obviously this has an important bearing upon the 'hedonistic calculus,' which we found to be logically implied by the system. In computing the 'material' goodness of an action, we must take into account, not merely the natural effects of the action, but these complicated with the much more important effects of the 'moral sense' itself. The result is that the 'hedonistic calculus,' as ordinarily understood, is pushed into the background. Indeed, as we have had occasion to notice, when Hutcheson actually develops a 'calculus,' it is to ascertain the amount of benevolence implied by a given action, not the amount of happiness which may be expected to result from it, this latter, curiously enough, being assumed as a known quantity.

From what has been said, it will be seen that the system which we have been examining is not properly Utilitarian. Of course, if the author had been as predominantly interested in the 'materially' good as he actually was in the 'formally' good, and had avoided certain minor inconsistencies, his system would have closely resembled that of J. S. Mill; but, on the one hand, we are not at liberty to neglect the emphasis which he actually gave to the different sides of his system, and, on the other, it would hardly be held now that J. S. Mill was a consistent exponent of Utilitarianism. In short,

Hutcheson is the 'moral sense' philosopher *par excellence*. To lose sight of this, is to misinterpret his system. The general drift of his argument is plain. If we approve or disapprove of actions, we must do so from motives of self-interest or from motives independent of self-interest. The author's first step is to prove the disinterestedness of our moral judgments. This, he thinks, shows conclusively the existence of a 'moral sense,' and so vindicates his characteristic position.

It hardly need be said that the two very suggestive systems which we have been principally occupied with examining necessarily appear at a disadvantage in being compared with a type of ethical theory to which they do not properly belong. Most certainly they are not to be criticised merely for teaching more than can be comprehended within the bounds of the Utilitarian formula. Subsequent ethical theory for a long time represented an increasing degree of differentiation, which could only end in one-sidedness all round. In our own generation, there is a marked tendency to return to that more comprehensive view of man which Shaftesbury and Hutcheson did so much to work out, and to attempt a synthesis which shall do justice to our human nature as a whole.

CHAPTER IV.

GAY'S ETHICAL SYSTEM.

IT might seem highly improbable that an anonymous dissertation of only about thirty pages, prefixed to a translation, actually by another hand, of a third writer's Latin work, should be one of the most interesting and important contributions to the early development of the 'greatest happiness' principle. Yet such undoubtedly is the "Preliminary Dissertation," now known to have been written by a Rev. Mr. Gay, prefixed to Law's translation of King's *Origin of Evil*. The first edition (of the translation and the Dissertation) was published in 1731; the second, "revised and enlarged,"—an exact reprint,¹ so far as the Dissertation is concerned, — in 1732.

A few dates should be kept in mind here. The first edition of Shaftesbury's *Inquiry concerning Virtue and Merit* was published in 1711; that of Hutcheson's *Inquiry into the Original of our Ideas of Beauty and Virtue* in 1725. Hume's ethical system first appeared in 1740, as the third book of the *Treatise of Human Nature*, the other two books having been published the year before. Gay's Dissertation, therefore, appeared six years after Hutcheson's first ethical work, and nine years before the corresponding work of Hume. It is interesting to note that Gay's true successors, Tucker and Paley,—for Hume does not seem to have been influenced by him,—belong to a later generation. The *Light of Nature Pursued* was first published in 1768–74, and the *Moral and Political Philosophy* in 1785.

We shall now turn to the "Preliminary Dissertation" itself, and give it the very careful examination which its importance justifies. The author's own order of exposition, which is not uniformly fortunate, will be followed substantially, except where notice is given to the contrary. This is possible on account of the brevity of the Dissertation, and desirable, on the whole, as

¹ Except that the concluding sentence of the first edition, which is really superfluous, is left out in the second.

it will facilitate a comparison of the substance of this remarkable essay, — which is not, for most, readily accessible, — with the other ethical works named above.

Gay begins by remarking that, though all writers on morality have practically agreed as to what particular classes of actions are virtuous or the reverse, they have at least seemed to differ in their answers to the related questions : (1) What is the 'criterion' of virtue? and (2) What is the motive by which men are induced to pursue it? Both of these questions must be considered, of course, in any treatment of Ethics, and the author's own view is that the same principle, or the same set of principles, will be found to solve both.

It is therefore indifferent which side of the moral problem we attack first. But, before attempting anything constructive, Gay stops to notice a current view. Some hold that a rational creature will choose only that which, on the whole, is calculated to bring him most happiness ; further, that virtue does bring the agent most happiness ; and that therefore it will be chosen just in proportion as one is rational.¹ Moreover, they hold that whatever is an 'object of choice' is 'approved of.' Gay seems to object to this view mainly because it implies too great a degree of self-consciousness on the part of the agent. He admits that Hutcheson² has made abundantly plain : (1) that most men do actually approve virtue without knowing why; and (2) that some pursue it even in opposition to their own apparent advantage. But Hutcheson was not content with emphasizing the facts; he had recourse to a 'moral sense' to explain moral approval, and a 'public or benevolent affection' to explain apparently disinterested conduct. This, however, is cutting the knot instead of untying it. We may very well be practically benevolent and capable of forming what seem like ultimate moral judgments, and yet these phenomena of our moral life may be perfectly explainable without assuming unknown 'faculties' or 'principles.'

¹ Here Gay carelessly speaks of virtue as being "always an object of choice."

² Referred to as "the ingenious author of the *Inquiry into the Original of our Idea of Virtue*."

So much for the point of departure. We are now ready to follow the author's own attempt at a solution of the problems of Ethics. At the very beginning, unfortunately, he entangles himself and his readers in a fruitless discussion regarding the meaning of the term 'criterion,' which we may safely omit.¹ In this discussion, however, he has occasion to define virtue, and the definition, — which he wrongly supposes would be accepted by all, despite differences in ethical theory, — is quite important for his own treatment of Ethics. He says: "Virtue is the conformity to a rule of life, directing the actions of all rational creatures with respect to each other's happiness; to which conformity every one in all cases is obliged: and every one that does so conform is, or ought to be, approved of, esteemed, and loved for so doing."² In justification of this definition, Gay observes that virtue always implies some relation to others. "Where self is only concerned, a man is called 'prudent' (not virtuous), and an action which relates immediately to God is styled 'religious.'" Again, as we have already seen, whatever men may believe virtue to consist in, they always assume that it implies 'obligation,' and that it deserves 'approbation.'

Before treating directly of the 'criterion' of virtue, the author chooses to consider 'obligation.' This section³ of the Dissertation is so important, — particularly with a view to subsequent ethical theory, as represented by Tucker, Paley, and Bentham, — that the first two paragraphs will be quoted in full.

"Obligation is the necessity of doing or omitting any action in order to be happy: i.e., when there is such a relation between an agent and an action that the agent cannot be happy without doing or omitting that action, then the agent is said to be obliged to do or omit that action. So that obligation is evidently founded upon the prospect of happiness, and arises from that necessary influence which any action has upon present or future happiness or misery. And no greater obligation

¹ Gay's own use of 'criterion' is not quite exact, as will be seen later; but the omitted discussion throws practically no light on his use of the word.

² See p. xxxvi (2d ed.).

³ *I.e.*, § ii.

can be supposed to be laid upon any *free agent* without an express contradiction.¹

"This obligation may be considered four ways, according to the four different manners in which it is induced: First, that obligation which ariseth from perceiving the natural consequences of things, *i.e.*, the consequences of things acting according to the fixed laws of nature, may be called *natural*. Secondly, that arising from merit or demerit, as producing the esteem and favor of our fellow-creatures, or the contrary, is usually styled *virtuous*.² Thirdly, that arising from the authority of the civil magistrate, *civil*. Fourthly, that from the authority of God, *religious*."³

Gay proceeds to show that *complete* obligation can come only from the authority of God, "because God only can in all cases make a man happy or miserable." A few paragraphs further on the author is as explicit as one could wish on this point, — a very important one, as hardly need be remarked, for the early Utilitarians, who, with the exception of Cumberland and (probably) Hume,⁴ agree in regarding the motive of the moral agent as ultimately egoistic. He says: "Thus those who either expressly exclude, or don't mention the will of God, making the immediate criterion of virtue to be the good of mankind, must either allow that virtue is not in all cases *obligatory* (contrary to the idea which all or most men have of it) or they must say that the good of mankind is a sufficient obligation. But how can the good of mankind be any obligation to *me*, when perhaps in particular cases, such as laying down my life, or the like, it is contrary to my happiness?"⁵

We are now prepared to return to the question regarding the 'criterion' of virtue. Since complete obligation can come

¹ Cf. Paley's *Principles of Moral and Political Philosophy*, bk. ii, ch. ii.

² The confusion here is only in the form of expression.

³ Cf. Bentham's *Principles of Morals and Legislation*, ch. iii, particularly §§ ii-vi.

⁴ Hume would be regarded as an exception only by those who accept the *Inquiry concerning the Principles of Morals* as a satisfactory statement of his ethical position.

⁵ See p. xli. (In the second edition one must look out for errors in paging. The correct paging is given here.)

only from God, the will of God is the immediate rule or criterion,¹ though not the "whole will of God," since virtue was defined as "the conformity to a rule directing my behavior with respect to my fellow-creatures." But, as regards my fellows, what does God will that I do? From the infinite goodness of God, it follows that he must desire the happiness of men. Hence he must will such conduct on my part as is calculated to conduce to their happiness. Thus, the will of God is the 'immediate criterion' of virtue, but the happiness of mankind is the 'criterion' of the will of God. Hence we must consider the consequences of actions, and from these deduce all particular virtues and vices.

We have now in outline all the essential principles of Gay's ethical system proper. The remainder of the Dissertation consists in an attempt to furnish an adequate psychological foundation for the principles above set forth. It will be noticed that this second part² was as important for the development of the Associationist Psychology as both parts were for the development of early Utilitarian theory.

The author begins by remarking that man is a being capable, not only of passively experiencing pleasure and pain, but of foreseeing the causes of these and governing himself accordingly. The 'end' of action, — that pursued for its own sake, — is pleasure. That which man finds calculated to produce pleasure, he calls the 'Good,' and approves of it; while his attitude is precisely the contrary in the case of that which is known to have painful consequences. Now Good or Evil, when thought of, give rise to a proportionate present pleasure or pain. This is called 'passion,' and the attending desire 'affection.' Hence, by reflecting upon Good and Evil, desires and aversions are excited which are (roughly) distinguished as Love and Hatred. From these, variously modified, arise all the other 'passions' and 'affections.' It is a mistake to suppose that these latter are implanted in our nature originally, like our capacity for experiencing pleasure or pain.

¹ Observe the ambiguity in the use of 'criterion,' referred to in note above.

² This division of the Dissertation into two parts is not explicitly made by Gay. At the same time his order of exposition inevitably suggests it.

When directed toward inanimate objects, the passions and affections¹ are Hope, Fear, Despair, and its unnamed opposite. As a matter of fact, however, our pleasures and pains depend quite as much upon other conscious agents as upon inanimate objects. Hence, as Gay says: "As I perceive that my happiness is dependent on others, I cannot but judge whatever I apprehend to be proper to excite them to endeavor to promote my happiness, to be a means of happiness, *i.e.*, I cannot but *approve it*." Moreover, since others can be induced to act for my happiness only by the prospect of their own future happiness, I cannot but approve of "the annexing pleasure to such actions of theirs as are undertaken upon my account." And, since we desire what we approve of,² we desire the happiness of those who have done us good. That in the agent (a voluntary action or series of such actions) which constitutes the ground for the approbation and love just accounted for, is called the 'merit' of the agent ; the contrary, 'demerit.'

But here a difficulty arises. How can there be 'merit' in the action of another, when that action is performed (ultimately) for the agent's own happiness? The main reason why this seems paradoxical, or worse, to common-sense is that common-sense does not distinguish between an 'inferior' and an 'ultimate' end. In by far the greater part of human actions, it is an 'inferior' end that the agent has in mind. Thus, though the happiness of the agent is always the 'ultimate' end, all that the beau *immediately* desires is to please by his dress, and all that the student *immediately* desires is knowledge. For any such 'particular' end, we may, of course, inquire the reason ; but to expect a reason for the 'ultimate' end is absurd. "To ask why I pursue happiness, will admit of no other answer than an explanation of the terms."

But, to proceed, when the 'particular' end of any action is the happiness of another, that action is 'meritorious.' On the other hand, "when an agent has a view in any particular action distinct from my happiness, and that view is his *only motive* to

¹ Gay makes no serious attempt to keep the two separate.

² The apparent logical inversion here is Gay's.

that action, tho' that action promote my happiness to never so great a degree, yet that agent acquires no *merit*, *i.e.*, he is not thereby entitled to any favor and esteem." It makes a great difference, to be sure, whether another aims at my favor in general, or only for some particular end which he has in view. "I am under less obligation (*caeteris paribus*) the more *particular* his expectations from me are ; but under obligation I am." ¹

Gay concludes by noticing a possible "grand objection" to his theory. It is this. The reason or end of action must always be known to the agent ; otherwise, it would not actually be his motive. The inquiry, *e.g.*, is not why one should be grateful, but why one is so. As Hutcheson has shown, the majority of mankind approve of virtue immediately, and apparently without regard to their own interest. Must we not, then, after all, assume that author's 'moral sense' and 'public affections' ?

The reply given to this supposed question is substantially as follows. The matter of fact here appealed to has already been admitted, and it is perfectly consistent with our theory. "As, in the pursuit of truth, we don't always trace every proposition whose truth we are examining to a first principle or axiom, but acquiesce as soon as we perceive it deducible from some known or presumed truth, so in our conduct we do not always travel to the ultimate end of our actions, *happiness* ; but rest contented as soon as we perceive any action subservient to a known or presumed *means* of happiness. . . . And these RESTING PLACES ² are so often used as principles, that, at last, letting that slip out of our minds which first inclined us to embrace them, we are apt to imagine them not, as they really are, the *substitutes* of principles, but principles themselves." Hence people have imagined 'innate ideas,' 'instincts,' and the like ; and the author adds: "I cannot but wonder why the *pecuniary* sense, a sense of *power* and *party*, etc., were not mentioned, as well as the *moral*, — that of *honor*, *order*, and some others." ³

¹ See p. xlviii.

² The large capitals are Gay's, and they occur here only.

³ See p. liii.

More exactly, the true explanation is this. "We first perceive or imagine some real good, *i.e.*, fitness to promote our happiness, in those things which we love and approve of." Hence we annex pleasure to the idea of the same, with the result that the idea and the attendant pleasure become indissolubly associated. Gay's first example is the one which has since become so well known in this connection, *i.e.*, the love of money. It is matter of experience that money, first desired merely for what it will procure, sometimes itself becomes the exclusive object of pursuit. In the same way knowledge, fame, etc., come to be regarded as ends in themselves. Now this principle is quite sufficient, he holds, to explain our disinterested practice of virtue, as well as certain perverted tendencies of human nature.

As regards these latter, Gay treats in particular of envy, emphasizing the fact that we never envy those who are very much above or below us, but rather those who may fairly be regarded as in some sense competitors. The teleology is plain, he thinks; the success of those with whom we either directly or indirectly compete means less chance for ourselves. "This," as he quaintly adds, "may possibly cast some light upon the black designs and envious purposes of the fallen angels. For why might not they have formerly had some competition with their fellows? And why may not such associations be as strong in them as [in] us?"

At the very close of the Dissertation the author barely refers, — though what he says is perfectly clear and to the point, — to another consideration which does much to make his general (hedonistic) position plausible. It is not necessary, he says, that we should form associations like those above described for ourselves. We may very well take them from others, *i.e.*, "annex pleasure or pain to certain things or actions because we see others do it, and acquire principles of action by imitating those whom we admire, or whose esteem we would procure. Hence the son too often inherits both the vices and the party of his father, as well as his estate." In this way we can account for national virtues and vices, disposi-

tions and opinions, as well as for what is generally called 'prejudice of education.'

We should now recognize, I suppose, that even from the empirical point of view the phenomena to which Gay refers would have to be explained, not merely by 'association,' but partly by heredity and partly by what we can hardly avoid calling the 'instinct of imitation.' Such considerations at once add plausibility to the hedonistic aspect of Gay's system, and suggest the important limitations of the principle of 'association,' which he inclines to regard as all-sufficient. Perhaps it was from a certain parental tenderness for the infant principle of 'association' that Gay neglected to press an argument which might have threatened to prove a two-edged sword.

The Dissertation was so distinctly a new departure that it is difficult to avoid remarking at once upon Gay's relation to subsequent ethical theory. How completely his position was adopted by Tucker and Paley, will be evident to anyone acquainted with those writers who have carefully followed the above. Here, however, we must rather attempt to show the relation of the author of the Dissertation to those of his predecessors who had been either directly or indirectly concerned with the development of the Utilitarian principle.

Cumberland had seemed to make *both* 'the greatest happiness of all' and 'the perfection of body and mind' the moral end, and this without suspecting any difficulty in so doing; while Locke, though deeply interested in Ethics on the theological and practical side, and, in the general sense of the word, a hedonist, could hardly be said to have a coherent ethical system of his own. Shaftesbury and Hutcheson, on the other hand, had done much for the development of English ethical theory, but their relation to hedonism was only indirect. In Gay's Dissertation we have, in its complete and unmistakable form, what we later shall have to recognize as the first characteristic phase of English Utilitarianism.¹

¹ It is important to remember that, while Hume, who published his ethical system in its first form only nine years after the Dissertation, was incomparably

Evidently the more particular comparison must be between Gay and Cumberland, for these authors alone, up to this time, had really stated the 'greatest happiness' principle. Cumberland, as we have just seen, defined the Good, now in terms of 'happiness,' now in terms of 'perfection,' though the emphasis, on the whole, seems clearly enough to be on the hedonistic aspect of the system. Gay, on the other hand, consistently defined the Good as Happiness, and Happiness as "the sum of pleasures." Moreover, though he does not discuss the question of possible 'qualitative distinctions' between pleasures, it is evident that for him such distinctions would have no meaning. This, again, is an advance upon Cumberland, for though the latter author by no means commits himself to the doctrine of 'qualitative distinctions,' and seems on the whole to hold the opposite view, there is a certain ambiguity in his treatment which was almost inevitable, considering that he practically carries through Happiness and Perfection as coördinate principles.

As regards the motive of the moral agent, there is in Gay no trace whatever of the confusion which is so striking in Cumberland. To be sure, Cumberland had felt, what Shaftesbury later made evident, that man is essentially a social being and that the true Good must be a common good. His actual treatment, however, is quite confusing; generally, the agent's motive in moral action seems to be regarded as altruistic, but sometimes the language used seems to imply at least a very considerable admixture of egoism. In Gay, on the contrary, we find even a fictitious simplicity. All the phenomena of moral action,

superior to Gay, both as a thinker and as a writer, he did not happen to state the Utilitarian doctrine in the form which was destined first to be developed. Indeed, it may be doubted if this was a matter of chance. Hume's system, much more complex than Gay's, and, one may add, on a distinctly higher plane, was not calculated to appeal to writers like Tucker, Paley, and Bentham, whose single aim appears to have been simplicity of theory. All the writers just named form a perfectly definite school (Bentham and even the historians of Ethics to the contrary, notwithstanding), while the phase of Utilitarianism which Hume represents was not further developed until comparatively recent times. Historically, then, Hume stands outside of the direct line of development, though he doubtless represents the Utilitarian position, as we now understand it, much more adequately than any one else who wrote in his own, or even the succeeding, generation.

as we have seen, are explained by the 'association of ideas' and what has more recently been termed the 'law of obliviscence.' We begin as egoists, and, indeed, throughout our lives we uniformly seek our own pleasures, avoid our own pains. But it amounts to much the same thing as if we were originally altruistic to a certain degree. For, although our own happiness be always our 'ultimate' end, it is by no means always our 'proximate' end. The system theoretically allows for cases of extreme self-sacrifice. Whether it really affords a satisfactory explanation of these, is a question which we hardly need enter upon here. The present generation is not likely to make, or allow, extraordinary claims for the unaided principle of 'association.'

So much for the treatment of the 'criterion' of moral action and of the motive of the moral agent by the two authors whom we are comparing. Closely related to the latter question is that of the ultimate meaning of 'obligation.' It will be remembered that Cumberland's treatment of obligation was not altogether consistent with his system as a whole. Instead of basing upon the essentially social nature of man and claiming here, as generally elsewhere, a certain amount of altruism for the moral agent, he merely tries to show that it is greatly for the selfish advantage of any given individual to lead the moral life, even when extreme sacrifices are demanded. This was doubtless done in order to meet Hobbes on his own ground, but the same reason led Cumberland to confine his arguments to consequences that might be expected in this present life. For obvious reasons, he does not make out a perfectly clear case.

Gay was not hampered with any such controversial considerations. His treatment is only too clear and consistent throughout. "Obligation is the necessity of doing or omitting any action in order to be happy. . . . And no greater obligation can be supposed to be laid upon any free agent without an express contradiction." This was as consistent for Gay as it was otherwise for Cumberland; and he immediately goes on to enumerate "the four different manners in which [obligation] is induced." These are precisely what appear later as Bentham's four "sanc-

tions." But how can *complete* obligation (which common-sense demands) be vindicated, if we define obligation as has just been done? Gay sees very clearly that we must here depend upon the power and wisdom of the Divine Being, "because God only can in all cases make a man happy or miserable." And there is no restriction to rewards and punishments as given in this present life. This position was, of course, adopted by Tucker and Paley, the only difference being that Paley particularly insists upon rewards and punishments after death. This whole question as to the meaning of 'complete obligation' for Utilitarianism in its earlier form, would have to be discussed at some length, if we were to compare Paley and Bentham with Gay and with each other. Here it is enough to notice that, if we assume the necessarily egoistic nature of the motive of the moral agent, and at the same time attempt to preserve the absolute character of obligation, Gay's position is the only logical one.

In Cumberland we found some confusion in the use of the expression 'Right Reason.' The author had evidently been somewhat influenced by the intuitionists and intellectualists, though he opposed most of their characteristic doctrines, and this without really having worked out his own position in detail. Nothing corresponding to this confusion is to be found in Gay. He does, indeed, in one passage seem to distinguish between Experience and Reason, but this is misleading, for he immediately adds, "You either perceive the inconveniences of some things and actions, when they happen, or you *foresee* them by contemplating the nature of the things and actions." Reason here is evidently nothing but the faculty of predicting upon the basis of past experience.

Again, in Cumberland we are constantly confronted with the then almost universally current conception of Laws of Nature. It is easy to show that the system does not really depend upon this scaffolding, but that, on the contrary, it is rather cumbered than helped by it. At the same time, this conception of Natural Laws not only gives its name to Cumberland's treatise, but almost wholly determines its external form. The reader hardly

needs to be reminded that Gay's remarkable essay is entirely free from such superfluities. One point, however, should be noticed in this connection. Gay refers, of course, to the Will of God as the 'immediate criterion' of morality; but the Divine Will itself is determined to that which will bring the greatest happiness to mankind, or, as the author himself expresses it, "The happiness of mankind is the criterion of the Will of God." The Utilitarian principle, then, is clearly regarded as ultimate. It would be a gross misunderstanding of Gay to class him with those who make morality depend upon the *arbitrary* will of God.

It will be noticed that neither Cumberland nor Gay discusses the possibility of the 'hedonistic calculus.' Neither of them seems to suspect any difficulty in the matter, and, so far as I am aware, this had never been distinctly raised as an objection to hedonism up to the time which we are considering. Perhaps this was to be expected, for such refinements are likely to belong to a later stage of ethical discussion; but it does at first seem rather strange that, while Gay was the earliest consistent exponent of the Utilitarian principle, he did not anywhere use the formula, 'the greatest happiness of the greatest number.' Hutcheson, it will be remembered, had used this very formula, though it does not for him express the whole essence of morality, as it would have done for Gay; and Gay must have been familiar with Hutcheson's writings, for he controverts them intelligently.

It would be quite too ingenious to suggest that Gay refrained from using the expression precisely because Hutcheson had happened to use it. He seems to have been quite willing to avail himself of all that he considered true in the *Inquiry*. The only importance which really can be attached to the omission is this: Gay and his immediate successors¹ held clearly and definitely to the view that, in the last resort, all human motives are selfish. From this standpoint, the (now accepted) formula

¹ With the exception of Hume, whose treatment of 'sympathy' is ambiguous in Book III of the *Treatise*, and who admits a certain degree of native altruism in the *Enquiry concerning the Principles of Morals*.

is by no means so inevitable as it would be, if one admitted the existence of disinterested sympathy and insisted that this latter must be present in the case of all truly moral action.

In taking leave of this remarkable essay, we should not forget that its full significance can be appreciated only after one has taken the trouble to trace back many of what are regarded as characteristic doctrines of Tucker and Paley to this their undoubted source. However much these authors did to fill in the outline, — and Tucker, at least, did a very great deal, — it must be granted that the whole outline of Utilitarianism, in its first complete and unencumbered form, is to be found in Gay's "Preliminary Dissertation."

CHAPTER V.

HUME'S ETHICAL SYSTEM.

WE must not look for perfect continuity in the development of Utilitarianism, even after the doctrine had once been clearly enunciated. Two of the most prominent writers of the Utilitarian school, Tucker and Paley, were destined to carry out, almost to the letter, the scheme of moral theory which Gay had outlined in his "Preliminary Dissertation" of 1731; but the next writer standing for the 'greatest happiness' principle appears to owe nothing to Gay. On the contrary, so far as formative influences are concerned, Hume seems to have taken his starting-point in Ethics from those who, like Shaftesbury and Hutcheson, had maintained the existence of a 'moral sense.'

This is by no means to say that Hume was himself a 'moral sense' philosopher. Quite as much as anything else, his object was to show that what the 'moral sense' writers had professed to explain by merely referring to a supposed 'faculty,' could really be explained in a scientific way, according to the most general principles of human nature. Still, his primary contention was that morality was founded, not on 'reason,' as he expressed it, but on 'sentiment'; that our starting-point in ethical discussions must always be the fact of our approval of moral actions, — a fact which could not, by any possibility, be explained on purely rational principles. In emphasizing 'feeling' at the expense of 'reason,' Hume was clearly with

the 'moral sense' writers, and it is fair to assume that he was historically, as well as logically, related to them in this respect.

Although Hume's writings are so much better known at first hand than those of Cumberland and Gay, — the only two of his English predecessors who can really be said to have stated the Utilitarian principle, — it is more difficult than might be supposed to present his views on Ethics in a way to leave no room for misunderstanding. In the first place, one has to keep in mind Hume's relation to the 'moral sense' school, and avoid attributing either too much or too little importance to this relation; and, in the second place, — what is much more important, — one has to decide, after the most careful examination and comparison, whether one shall accept his earlier or his later treatment of Ethics as the more adequately representing his system.

As regards Hume's relation to the 'moral sense' philosophers, little need be said at present. It is worth noticing, however, that the apparently complex character of his ethical system has led some to believe that its general drift is somewhat ambiguous, and that to the end it holds a rather close relation to the 'moral sense' ethics.¹ This view is, in my opinion, by no means correct; but, as the mistake is a natural one, a comparison may prove helpful. In the case of Hutcheson, we found a moralist whose doctrine could hardly be understood without comparing it carefully with the 'greatest happiness' principle. At the same time, we found that, in its general tendency, it was radically distinct from that principle. Exactly the opposite, it seems to me, is true in the case of Hume. While he certainly was influenced by the 'moral sense' writers, 'utility' is with him by no means a subsidiary principle, as with Hutcheson, but incontestably the basis of his whole ethical system. This is a dogmatic statement; but its truth will, I think, become abundantly plain as we proceed with our examination of Hume's treatment of Ethics.

¹ See, e.g., Professor Hyslop's *Elements of Ethics*, p. 84; also, for a much more guarded statement, referring only to the later form of Hume's ethical theory, see Mr. Selby-Bigge's Introduction to his edition of Hume's *Enquiries*, p. xxvi.

The second difficulty which we noticed, that regarding the two forms in which Hume has left us his ethical theory, requires more immediate and altogether more serious attention. It will be remembered that his first treatment of Ethics appeared as Book III of the *Treatise of Human Nature* in 1740, the year after the publication of the other two books. The *Inquiry concerning the Principles of Morals* did not appear till 1751, three years after he had published the *Inquiry concerning Human Understanding*, in which he had presented, in a more popular form, the substance of Book I of the *Treatise*. The story of Hume's chagrin at the poor reception which his juvenile work met with, and of his explicit repudiation of the *Treatise* in after years, as not giving his mature views on philosophical subjects, is too familiar to admit of repetition. Critics are now perfectly agreed that the *Inquiry concerning Human Understanding*, however superior in style to the first book of the *Treatise*, is an inadequate statement of the author's views on metaphysics; and, since one is bound to disregard Hume's own judgment concerning the relative merits of Book I of the *Treatise* and the corresponding *Inquiry*, it is natural that the *Inquiry concerning the Principles of Morals* should have been estimated in much the same way, in spite of the fact that Hume himself considered the second *Inquiry* as "of all [his] writings, historical, philosophical or literary, incomparably the best." The present tendency plainly is either (1) to regard the two statements of his ethical theory as practically equivalent, and therefore to prefer Book III of the *Treatise* merely as historically prior; or (2) to hold that, in the *Inquiry concerning the Principles of Morals*, as well as in the *Inquiry concerning Human Understanding*, there is an observable falling off in thoroughness of treatment which is by no means compensated for by the undoubted improvement in style.

I cannot believe that either of these views is correct. It must never be forgotten that, in his later years, Hume was perfectly right in regarding the *Treatise of Human Nature* as a work abounding in serious defects, mainly such as betray the youth of the author. It is in spite of these defects that the

book takes its place as perhaps the most remarkable single work in English philosophical literature. The common statement that Book I of the *Treatise* is to be preferred to the first *Inquiry* because it is 'more thorough' — while perfectly true — might be misleading to one not equally acquainted with both works. A great many of the perversely subtle discussions in the *Treatise* which Hume ruthlessly pruned away in revising it, were not only mere digressions, tending seriously to confuse the reader, but they were, in themselves, by no means uniformly convincing. To do away with many of these discussions was in itself a real advantage; but, unfortunately, Hume was not so much trying to improve the book as trying to make it more acceptable. The result is that, along with what was at once irrelevant and of doubtful validity, he omitted much that was really essential to the adequate statement of his peculiar views on metaphysics.

One would naturally expect to find much the same thing true in the case of the *Inquiry concerning the Principles of Morals*. As a matter of fact, however, in spite of what is evidently the current view, I am strongly of the opinion that the *Inquiry* is not only a clearer, but a better statement of Hume's ethical theory than the third book of the *Treatise*. Here the elimination has nearly always conduced to that really consecutive treatment which is so important in any philosophical work, and nothing in the least essential to the system as a whole seems to have been left out. Much more important for us, however, is the fact that, in the second *Inquiry*, Hume does away with the one exasperating ambiguity of his earlier work, *i.e.*, his treatment of 'sympathy.' Other comparisons between the *Inquiry* and the corresponding book of the *Treatise* will be noted, as it becomes necessary. This, however, is so important that we must take account of it at the very beginning.

In both the *Treatise* and the *Inquiry*, — though the order of exposition in the two works differs otherwise, in certain respects, — Hume begins with the fact of moral approbation. He first shows — in the *Treatise* at considerable length; in

the *Inquiry* more briefly, but perhaps as convincingly — that moral approbation cannot ultimately be founded upon principles of mere reason. After thus clearing the ground, he attempts to explain our approbation of moral conduct by referring, not to a supposed 'moral sense,' but to what he assumes to be the springs of human action and the determining effects of human experience.

Now the important difference between the standpoint of the *Treatise* and that of the *Inquiry*, just referred to, consists in the radically different answers given in the two works to the question: What are the springs of action — the fundamental tendencies of human nature? In the *Treatise*, these are held to be (1) egoism, (2) limited altruism, and (3) 'sympathy.' The relation between them is difficult to state in a few words, — indeed, so far as 'sympathy' is concerned, difficult to state at all, — but Hume's position in the *Treatise* plainly is that human nature is essentially egoistic. As regards altruism, he holds distinctly that we have no particular love for our fellow-beings as such.¹ Our limited altruism manifests itself only in the case of those standing to us in the closest relations of life, and in a way which does not permit us to suppose that it is an original principle of human nature, strictly coördinate with the self-regarding tendency.

At this point Hume employs the rather mysterious principle of 'sympathy.' For him, in his earlier work, as for many of the later empiricists, 'sympathy' is produced through the 'association of ideas.' His peculiar mode of explanation is as follows, — the point being to show that in this case an 'idea' is practically converted into an 'impression.' The 'impression of ourselves' is particularly vivid, and by 'association' it happens that a corresponding (though of course not equal) vividness is imparted to that which relates to ourselves. But other human beings are *similar* to ourselves. This relation of 'similarity' makes us vividly conceive what concerns them, the other relations of 'contiguity' and 'causation' [*i.e.*, kinship here] assisting in the matter. Thus our idea of another's emotion

¹ *Treatise*, bk. iii, pt. ii, § i.

may become so vivid as to give rise to the same emotion in ourselves.¹ In spite of its obvious ingenuity, this explanation of 'sympathy' hardly falls in with our present modes of thought. One readily sees that for Hume, as for the Associationist school in general, 'sympathy' is left in a condition of unstable equilibrium, liable at a touch to be precipitated into egoism pure and simple.

This aspect of Hume's system, in its earlier form, is the more confusing for the reason that he never seriously attempts to state the relation between our derived 'sympathy' and our (fundamental) self-regarding tendency. The result is a degree of theoretical confusion that can only be appreciated by those who have read the *Treatise* with considerable care. It should be observed that one does not here refer to the inevitable ambiguity of the words 'egoism' and 'altruism,' as ordinarily used,² but rather to the fact that Hume professes to explain — almost in the sense of explaining away — what we ordinarily understand by (general) 'sympathy,' without anywhere telling us exactly what he claims to have reduced it to.

If Hume's treatment of 'sympathy' were the same in the *Inquiry concerning the Principles of Morals* as in Book III of the *Treatise*, — which is apparently the careless assumption of those who regard his position in the two works as identical, — we should need to examine the mysterious principle considerably in detail. As a matter of fact, however, Hume seems to have been keenly aware that his earlier treatment of 'sympathy' was a mistake, and a bad one; and he gives us what he would probably have regarded as the best possible antidote in what he says on the same subject in the *Inquiry*.³ There he means by the word 'sympathy' nothing essentially different from the general benevolent tendency, the degree of which he shows his good judgment in not attempting to define, but which he regards as the foundation of the historical development of morality.

¹ See *Treatise*, bk. ii, pt. i, § xi.

² This ambiguity, of course, depends upon the unwarranted abstraction made by those who speak as if 'egoism' and 'altruism' stood for two absolutely distinct tendencies of human nature. ³ See, e.g., § v, pt. ii *et seq.*; also Appendix ii.

The significance of this change is not easily to be overrated. It does away at once with an almost indefinite amount of theoretical confusion, and puts Hume on the right track just where his historical, but not logical, successors — Tucker, Paley, and Bentham — were destined to go astray. And it must not for a moment be supposed that Hume is here going to the other extreme, and contending for the existence of a perfectly differentiated 'altruism' in our human nature, as opposed to an equally differentiated 'egoism,' — as Hutcheson, for example, had mistakenly done. He rather shows that, in the last resort, this distinction resolves itself into an abstraction, and holds, in language which Butler himself would have had to commend: "Whatever contradiction may vulgarly be supposed between the *selfish* and *social* sentiments or dispositions, they are really no more opposite than selfish and ambitious, selfish and revengeful, selfish and vain." And one is almost startled at the agreement with Butler, when he immediately adds: "It is requisite that there be an original propensity of some kind, in order to be a basis to self-love, by giving a relish to the objects of its pursuit ; and none more fit for this purpose than benevolence or humanity." ¹

To conclude, then: in place of the three quasi-distinct (but by no means coördinate) principles — egoism, limited altruism,² and 'sympathy' — which had been assumed in the *Treatise*, we have 'sympathy,' in the ambiguous sense first explained, stricken out in the *Inquiry*, and a human nature there assumed which, as Hume sometimes has occasion to show, *a priori* implies at least a certain degree of the benevolent tendency, alongside of the equally essential self-regarding tendency, — the two becoming differentiated, in so far as they do become differentiated at all, only in the course of human experience.

While I am inclined to lay a great deal of stress upon this change of position on the part of Hume, I cannot at all agree

¹ See *Inquiry*, § ix, pt. ii. Butler's *Sermons upon Human Nature* had been published in 1726.

² Our limited altruism is mentioned here as a quasi-distinct principle, because it implies another kind of association, *i.e.*, by 'causation,' besides association by 'similarity' and by 'contiguity,' which are involved in our general sympathy.

with Mr. Selby-Bigge, when he says (in the brief, but mainly admirable introduction to his edition of Hume's two *Inquiries*): "In the *Enquiry* [concerning the Principles of Morals] there is little to distinguish his [Hume's] theory from the ordinary 'moral sense' theory, except perhaps a more destructive use of 'utility.'" ¹ For, as Mr. Selby-Bigge himself points out, even freer use is made of the principle of 'utility' in the *Inquiry* than in the *Treatise*. And I cannot at all follow him when he adds: "It would be easy to draw consequences from this principle which would neutralize the concessions made to benevolence, but he [Hume] is content himself to leave it without development, and to say in effect that utility pleases simply because it does please." Why the admission of a certain undefined degree of native altruism and the use of the principle of 'utility' should be regarded as necessarily conflicting, I have never been able to understand. As in most discussions where abstract 'egoism' and abstract 'altruism' figure, the supposed difficulty resolves itself into an ambiguity in the use of words. Even if the hedonist, in order to be consistent, is obliged to hold that one is always determined to act for one's own pleasure,² a point which would certainly bear debating, he is not therefore committed to egoism in any offensive sense. If one derive pleasure from the pleasure of others, one is just so far altruistic. Whether or not one does derive pleasure from the pleasure of others, is solely a question of fact; and the inevitable answer cannot properly be used against 'universalistic hedonism' or any other recognized type of ethical theory.

¹ See p. xxvi.

² The expression 'determined to act for one's own pleasure' is in itself seriously misleading. Even when we are acting with a direct view to our own future pleasure, it is, of course, the *present* pleasure attaching to the idea of our future pleasure, not the future pleasure itself (!), which determines our action. And to assume that no idea but that of our own future pleasure can attract us, manifestly begs the whole question. In the text, however, I have attempted to show that, even if the hedonist admit that, in his view, we always act for our own pleasure, he is not committed to 'egoism,' in the derogatory sense. — All this, of course, has nothing to do with the ultimate validity of hedonism, which the present writer would by no means admit.

Having thus considered, somewhat at length, this very important question as to the relation between the standpoint of Book III of the *Treatise* and that of the *Inquiry concerning the Principles of Morals*, as regards the springs of human action, we shall now proceed to an examination of Hume's ethical system as a whole. In order to understand his mode of procedure, either in the *Treatise* or in the *Inquiry*, one should keep in mind the distinction, explicit in the former work, implicit in the latter, between what he calls the 'natural' and the 'artificial' virtues. For instance, in the *Treatise* Hume contends that justice is an 'artificial' virtue, while he regards benevolence, in its various forms, as 'natural.'¹ By 'artificial' he does not mean, as he explains, that which is a superfluity in organized society; rather does he hold that a recognition of justice is basal to all social life whatever. He simply means that the utility which, as he is going to show, all virtues have in common, is *indirect* in the case of justice and other 'artificial' virtues, while *direct* in the case of all the so-called 'natural' virtues.² More particularly, he means — what, to be sure, is not strictly true — that the effect of the so-called 'natural' virtues is immediately and always an increase of happiness, while, in the case of justice, etc., this is manifestly true only in the long run.

This at first looks like one of the many fine distinctions which Hume draws in the *Treatise* only to practically neglect them in the *Inquiry*, and that to the manifest advantage of his exposition. As a matter of fact, however, the position, though unsound, is quite characteristic. While Hume does not directly speak of 'artificial' as opposed to 'natural' virtues in the *Inquiry*, he does not seem really to appreciate his mistake and give up the distinction altogether. In both works he is primarily concerned to show the relation of the several virtues to

¹ It will be seen that the term 'natural,' as here applied, is rather misleading, since Hume does not admit native altruism in the *Treatise*.

² The other virtues beside justice which Hume designates as 'artificial' are allegiance, modesty, and good manners. The 'natural' virtues specified are meekness, beneficence, charity, generosity, clemency, moderation, and equity (*sic*). See *Treatise*, bk. iii, pt. iii, § i.

what he recognizes as the springs of human action, the fundamental impulsive tendencies of human nature. Now he holds with much truth that, in the case of justice, *e.g.*, we have no mere native impulses which of themselves are sufficient to explain either the fact that we approve justice, or the fact that we ourselves practise this virtue. But when he comes to treat the so-called 'natural' virtues, he seems to assume—in the later as well as in the earlier work—that the virtues in question are, on the one hand, the direct result of our natural springs of action, and, on the other hand, that their effects are immediately and always fortunate.

Keeping in mind, then, this distinction, which, though not consistently carried out, really determines in a general way the form of exposition in both the *Treatise* and the *Inquiry*, we are now prepared to notice Hume's more specific treatment of the problems of Ethics. As will readily be seen, it is not without significance that in the *Treatise* he considers justice before benevolence, while in the *Inquiry* he does the contrary: for in the *Treatise* he is concerned to prove, not only the general utilitarian character of justice, but that it is ultimately based on (practically) egoistic principles; while in the *Inquiry* he begins with the assumption that the measure of benevolence is the measure of virtue, and that benevolence is good because it results in the increase of human happiness. As I regard the position taken in the *Inquiry* as more consistent and more characteristic, for reasons sufficiently given above, I shall mainly follow that work rather than the *Treatise*, in the present account of Hume's proof of the utilitarian principle.¹

Hume's treatment of benevolence in the *Inquiry* is very brief. In fact, after he had given up his peculiar view of 'sympathy,' as worked out in the *Treatise*, he probably thought that little remained to be said on the subject. The possibility of such a virtue could hardly have seemed to him to need proof, for in this later work he had once for all assumed a certain degree of altruism, as belonging to human nature; and it must be remembered that he did not seriously consider, or even dis-

¹ Important differences of treatment in the two works will of course be noted.

tinctly recognize, the question how, given altruistic as well as egoistic tendencies, the developed virtue of benevolence (as distinguished from mere impulsive kindness) was to be explained.

Beginning, as he nearly always does, with our actual approval of moral actions, Hume remarks that the very words we use to describe "the benevolent or softer affections" indicate the universal attitude toward them. He says: "The epithets *sociable, good-natured, humane, merciful, grateful, friendly, generous, beneficent*, or their equivalents, are known in all languages, and universally express the highest merit which human nature is capable of attaining."¹ But Hume further points out that, when we praise the benevolent man, there is one circumstance which we always insist upon, *i.e.*, the happiness of others which inevitably results from his habitual mode of action. Indeed, as we have had occasion to note in another connection, Hume seems never to have given up the view, definitely expressed in the *Treatise* (*à propos* of the distinction between the 'natural' and the 'artificial' virtues), that the good which results from benevolence "arises from every single act."² Now since benevolence does have this universal tendency to make for happiness, it seems fair to assume that utility forms at least a part of the merit of benevolent actions. But the further we examine into the matter, the more utility is found to be an adequate explanation of our approbation of such actions, while other modes of explanation in a corresponding degree lose their plausibility. The practically inevitable presumption, then, is that utility is the sole ground of our approbation of benevolent actions. It remains to be seen, of course, whether it will prove sufficient to explain the other great social virtue, justice, as well as a number of self-regarding virtues which will be mentioned later.

Before leaving this present subject of benevolence, however, it will be well to see how Hume's treatment of the virtue accords with his mature view regarding the springs of human action. It has been said that benevolent actions please on ac-

¹ See *Inquiry*, § ii, pt. i.

² See bk. iii, pt. iii, § i.

count of their utility, meaning by this their tendency to produce pleasure, either in particular individuals or in mankind at large. Why does utility please, even when we have no private interest at stake? In Hume's earlier treatment of Ethics, it was just here that he had been obliged to have recourse to the principle of 'sympathy,' thus reducing our apparent altruism to terms of something very like egoism. In the present work, he expressly states that the selfish principle is inadequate, and that the use of it by philosophers to explain the phenomena of our moral life results from a love of fictitious simplicity.¹ Man does have an original altruistic, as well as egoistic, tendency, the one being just as 'natural' as the other. But this is not all. Hume further points out that sensibility to the happiness and unhappiness of others and moral discrimination keep pace with each other. It will thus be seen that he makes the former, *i.e.*, 'sympathy' in its ordinary sense, the foundation of moral development.

Now there is a difficulty here, already mentioned, which Hume quite forgets to take account of in his direct treatment of benevolence. How do we pass from the mere *impulse* to benevolent action, whether strong or weak, to a *virtue* of benevolence, which latter, of course, implies an objective standard? It must be admitted that, when Hume incidentally tries to answer this question, somewhat later in the *Inquiry*, his account of the matter, though interesting, is hardly adequate. His view seems to be that human intercourse involves meeting our fellows half-way; that language is formed, not for expressing that which is merely subjective, but that which may, in a sense, be regarded as objective. He says: "The intercourse of sentiments, therefore, in society and conversation, makes us form some general, unalterable standard, by which we may approve or disapprove of characters and manners."² Here, apparently, we have the germ of Adam Smith's characteristic notion of the 'ideal impartial spectator.'

After having argued that benevolence, as a virtue, is actually approved on account of its utility, Hume proceeds to a

¹ See *Inquiry*, Appendix ii.

² *Ibid.*, § v, pt. ii.

consideration of justice. His treatment of this virtue in the *Inquiry* substantially corresponds to his previous treatment in the third book of the *Treatise*, so far as his attempt is merely to show its general utilitarian origin. Minor differences in the two expositions need not detain us, but it may be well to note in passing that here, as in the case of benevolence, we ultimately are confronted with the question as to 'why utility pleases,' and that the question would have to be answered somewhat differently in the two works, in a way to correspond to the different springs of action recognized. What has been said regarding this question in the case of benevolence will, of course, apply in all essential respects in the present case of justice.

At the beginning of his treatment of justice, Hume properly enough remarks that all are so completely agreed as to the utility of this virtue that nothing need be said on that score. His object, of course, is to show, not merely that justice is useful, but that its character as a virtue is determined wholly by its usefulness. It should be noted that here, as in the third book of the *Treatise*, Hume writes of justice as if the virtue had a bearing only upon cases where external goods are in question. Later we shall find reason seriously to object to this view. Granting, however, for the present, that justice is to be taken in this restricted sense, Hume's line of argument is at least plausible. He says, as every one will remember, that justice would have no meaning if there were either (1) an unlimited supply of the goods in question, or (2) perfect generosity in human nature. As a matter of fact, of course, most external goods are limited in quantity; and here, as in the *Treatise*, Hume holds that the egoistic impulses predominate, although he forsakes his former position to the extent of admitting a certain degree of original altruism. Our natural tendency, then, would be in the direction of appropriating more than belonged to us. But, since the same tendency is present in all others, society can only exist in a permanent form where property rights are to some extent recognized.

Since justice has no meaning for Hume, apart from the insufficient supply of external goods and the predominant selfishness of man, it might seem as if he would have us look for a thorough-going utility in all the particular rules of justice. As a matter of fact, however, he suggests that we do not need to carry our analysis very far to see that these rules are often, in the last resort, more or less arbitrary. Such cases Hume attributes to the natural processes of the 'imagination,' as determined by the all-important principle of the 'association of ideas.' It must not be supposed that we really have two principles operating here, utility and some arbitrary principle, — the two standing to each other in an unknown relation. The *all*-important thing is that principles of some sort should be recognized, where the ownership of property is concerned. Beyond a certain point, Hume would seem to say, it makes no very great difference how goods are apportioned, at least in the hypothetical first instance, — and it is there, mainly, that the 'imagination' is conceived to come in as a complicating factor.¹

Such, then, is Hume's actual treatment of justice reduced to its lowest terms. Up to this point, we have admitted his assumption that justice concerns only our pecuniary dealings with others. But is this really true? In order not to misinterpret Hume's position, we must keep in mind that he treats the obligation of promises in connection with justice, and as necessarily arising from it. But the ultimate reference is always to external goods, and the two complications always are the insufficiency of such goods and the excess of human egoism. It will hardly be denied that, while justice should always be differentiated as clearly as possible from benevolence, its scope is inevitably much greater than Hume seems

¹ It is interesting to see how English ethical writers, from the time of Hobbes to that of Paley, were unable to free themselves entirely from the conception of a 'state of nature' and a 'compact' made when men entered into society. With those who accepted the doctrine, wholly or in part, we are not here concerned; but it will be found that those who expressly repudiate this view (*e.g.*, Hume and Paley) often lapse into a mode of speech which seems to imply it. An interesting case will be found in Paley's *Moral and Political Philosophy*, bk. iii, pt. ii, ch. v.

prepared to admit. Let us suppose, for the moment, that there were an unlimited supply of the good things of life, and that, at the same time, human nature were as predominantly altruistic as it often seems to be egoistic. Even in this doubly millennial condition of things, it would still be absolutely necessary, in order to the very existence of society, that men should be able in some measure to depend upon each other. It is only upon the basis of some definite expectations that one can live with one's fellows from day to day. Even in the family, justice of a sort would seem to be as necessary as anywhere else, — a necessary foundation for enlightened benevolence.

We shall now examine the remaining part of Hume's systematic treatment of Ethics. In considering this somewhat briefly, we shall merely be following the author's own example. And first we must notice Hume's general classification of the virtues. In the *Inquiry*,¹ as well as in the third book of the *Treatise*,² he distinguishes between virtues which are (1) 'useful to oneself,' *e.g.*, prudence, constancy, good judgment, etc.; (2) 'immediately agreeable to oneself,' *e.g.*, magnanimity; (3) 'useful to others,' *e.g.*, justice and benevolence; and (4) 'immediately agreeable to others,' *e.g.*, politeness, wit, and cleanliness. Even a somewhat casual examination of this classification will reveal its artificial character. At the same time, before criticising Hume, it is important to see exactly what he means. For instance, let us take the first class of virtues, those 'useful to oneself,' — prudence, constancy, etc. Hume does not by any means set himself the gratuitous task of showing that these virtues are, as a matter of fact, useful to oneself. The question really is: Why do I commend prudence, etc., in another? The value to the community of prudence in the individual, even when exercised in his own affairs, is not what is here emphasized, though that would seem to be the most natural line of argument. Hume is rather concerned to show, in his later work, that it cannot be from motives of self-love that one commends prudence in

¹ See §§ vi, vii, viii, ix.

² See bk. iii, pt. iii, § i (end).

others. Indeed, he holds that it is more clearly impossible to resolve moral approbation into self-love here than in the case of justice. In his very obscure account of this matter in the third book of the *Treatise*, Hume had seemed to hold that we unconsciously put ourselves in the place of the person sympathized with, and, in a sense, feel for ourselves, rather than strictly feel for him. On the other hand, in the *Inquiry*, which we are here following, he explicitly abandons all such speculations, and not only accepts, but emphasizes, the fact that an original altruistic tendency in human nature must be admitted.

In distinguishing the virtues which are 'immediately agreeable' to oneself from those which are merely 'useful,' Hume carelessly adopts a terminology which, in a writer less clear than himself, might lead to confusion. Pleasure is the ultimate test, of course, in one case as much as in the other, — the only difference being that in the second class of virtues, as the name would imply, the pleasure is experienced immediately, while in the first class it results rather in the long run. As a matter of fact, however, when all allowances are made, one can hardly defend Hume in adopting a classification which seems to explain magnanimity as a virtue, on the ground that we approve it because it is immediately agreeable to its fortunate possessor ! Virtues of the third class, justice and benevolence, are perhaps naturally enough termed 'useful to others,' though ultimately the distinction between the first two classes of virtues (self-regarding) and the last two classes (other-regarding) breaks down, even under Hume's own handling. The fourth class of virtues, those 'immediately agreeable to others,' — politeness, wit, cleanliness, — are apparently not all on the same plane, and further illustrate the difficulty of making the distinction just noted.

In fact, this whole classification and treatment of the particular virtues, first adopted in the *Treatise*, and retained without important revision in the *Inquiry*, seems out of place in the latter work, since there Hume once for all admits an original sympathetic tendency in human nature. It would

have been much more consistent for him to show that both the self-regarding and the other-regarding virtues are ultimately to be recognized as virtues because they conduce to the common weal, or — if we may use the phrase now so hackneyed, which had already, in Hume's time, been employed by Hutcheson — 'the greatest happiness of the greatest number.'

Such was Hume's system, as actually worked out by himself. When we come to compare it with that of Gay, — his only predecessor who had stated the Utilitarian principle in a perfectly unambiguous form, — we see at once what an important advance had been made in the development of ethical theory. Gay's system had been as frankly individualistic, in its way, as that of Hobbes; but, at the same time, it had avoided those offensive paradoxes of the earlier doctrine, which had undoubtedly kept many from appreciating the plausibility of the egoistic position. Indeed, it would be quite unfair to put Gay and his successors (*i.e.*, those Utilitarian writers who maintained the egoistic character of the motive of the moral agent) in the same category with Hobbes. Gay and the others never employed egoism as a means by which to vilify human nature, but rather seem to have regarded it as a tempting device for simplifying ethical theory. Moreover, they partly succeeded in disguising its essentially unlovely character by supposing the development of a derived 'sympathy' through the 'association of ideas.' Hume had at first allowed himself to use 'association' in much the same way; but the very fact that his explanations in the *Treatise* are so much less clear than those of Gay in the "Dissertation," suggests a lack of certainty in his own mind as to the validity of the method; and, as we have seen, he entirely gave up, in his later work, this attempt to reduce the altruistic tendencies of human nature to terms of something else.

Taken by itself, Hume's recognition and defence of original altruism could not be regarded as an important contribution to English Ethics. From the time of Cumberland to that of Shaftesbury and Hutcheson, there had never been wanting

those who, from one point of view or another, opposed the egoistic position of Hobbes. But of all those moralists, Cumberland alone can properly be termed a Utilitarian, and even he, it will be remembered, had carried through 'the perfection of body and mind' as a principle parallel to that of 'the greatest happiness of all.' Hume, then, was the first to hold the Utilitarian doctrine in its unmistakable form and at the same time to admit, and defend, the altruistic tendencies of human nature.

Gay had vigorously, and more or less successfully, opposed the 'moral sense' theory, as held by Shaftesbury and Hutcheson. However, while he was greatly in advance of those writers in clearness and simplicity of ethical theory, he by no means equalled them in his grasp of the fundamental facts of our moral experience. Hume was as sure as Gay had been that we must not explain the phenomena of our moral life by referring them, or any part of them, to a special faculty like the 'moral sense'; but he took a much broader view of human nature than Gay had done, and, from first to last, attributed more importance to the part played by the affective side of our nature in the formation of moral judgments. In fact, he has sometimes been misjudged on account of this very catholicity of treatment. As we have had occasion to note, there are even those who hold that he never quite departed from the 'moral sense' theory. I can only regard this view as a serious mistake. We have seen again and again, that, while he always begins with the fact of moral approbation, as applying to a particular class of actions, it is his special endeavor to show how this approbation arises, according to the recognized principles of human nature. With all his faults as a philosopher and as a moralist, Hume was far too scientific, both in his ideals and his methods, to be guilty of any flagrant form of 'faculty psychology.'

We can only speculate as to just what Hume's system might have become, if the author had given up his artificial and somewhat misleading classification of the virtues. It is fair to remark, however, that, if he had been more thorough in his

revision of the third book of the *Treatise*, and had definitely shown, what certainly was implicit in his system, that all the virtues are such because they conduce to 'the greatest happiness of the greatest number,' he would have stated the Utilitarian principle practically in its modern form. As it was, he freed the doctrine from the unfortunate dogma that the motive of the moral agent is always, in the last resort, egoistic. This was a distinct advance upon Gay, which, however, was wasted upon Tucker, Paley, and Bentham, all of whom reproduce the position of the "Dissertation." Even as stated to-day, the 'greatest happiness' theory does not seem likely to be accepted as the final word of Ethics; but it would hardly be too much to claim that the *Inquiry concerning the Principles of Morals*, with all its defects and shortcomings, is the classic statement of English Utilitarianism.

CONCLUSION.

WE have now examined with some care all of the more important writings which properly belong to the "Beginnings of English Utilitarianism." The further history of Utilitarianism in England during the eighteenth century may fairly be described as a development of Gay's theory. It may at first seem strange that subsequent writers should not have taken their point of departure from Hume rather than from Gay; but we must remember that the general character of Gay's doctrine was as much in accord with the tendencies of his time as that of Hume was with the tendencies of a later generation. Moreover, it quite commonly happens in the History of Philosophy that the simpler form of a theory is developed first, even though its simplicity may result from a narrow and unsatisfactory view of the field of human experience which is to be rationalized.

Hartley, indeed, in the preface to his *Observations on Man* (1749), definitely states his obligations to Gay, so far, at least, as the theory of association is concerned; but his own somewhat peculiar moral theory is more different from that of Gay than are the theories of his Utilitarian successors. As the first writer to construct in detail an associationist psychology, and to base upon this the theory of 'the greatest happiness of the greatest number,' Hartley has probably received quite as much credit as he deserves. Bating some obvious extravagances, he may perhaps be regarded as a typical associationist (though he left the theory of association in a much cruder form than is popularly supposed); but to regard him as a typical Associationist-Utilitarian, as is sometimes done, is wholly unwarranted. Not only did he admit and defend 'qualitative distinctions' between pleasures, but he held to the possibility of the development of perfect altruism (through a series of associative processes). Now, whatever may be the truth or falsehood of the two positions mentioned, considered by themselves,

it is perfectly evident that they are not in accord with the prevailing tendencies of Associationist-Utilitarianism.

The consistent development of the theory set forth in the "Preliminary Dissertation" was first taken up by Tucker in his eccentric and unpardonably diffuse, but in many ways admirable, *Light of Nature* (1768-77). Curiously enough, Gay is not mentioned by Tucker, and, since the *Light of Nature* appeared a full generation later than the "Dissertation," it is barely possible that Tucker's obligation was not directly to Gay; but the ethical theories of the two coincide in all essential points — except, of course, that Tucker treated in great detail what had been merely indicated in briefest outline by Gay. We have seen that there were two sides of Gay's theory, — the psychological and the strictly ethical side. Avoiding nearly all of Hartley's more serious mistakes, Tucker gives to the theory of the "Preliminary Dissertation" a symmetrical development in both directions. The psychological side of his treatise represents an almost startling advance upon Hartley's treatment of association, while Tucker, unlike Hartley, seems never to have been in doubt as to the essential logic of the Associationist-Utilitarian position. Basing upon the original egoism of human nature, — which, of course, must not be confused with the egoism of Hobbes, since it was connected with a view of man as originally social rather than anti-social in his tendencies, — he saw, as clearly as Gay had done, that complete obligation, from that point of view, must rest upon a doctrine of future rewards and punishments.

Paley, the typical exponent of 'theological Utilitarianism,' was by no means the originator of anything really new in ethical theory. In a well-known passage in the preface to his *Principles of Moral and Political Philosophy* (1785), he acknowledges quite fully his obligations to Tucker. For some reason, however, he, too, fails to express his obligations to Gay, though in his case they are perfectly evident; and it would be absurd to hold that Paley was not acquainted with the "Dissertation," since this was always prefixed to a much-read translation of King's *Origin of Evil*, by the Rev. Edmund Law, afterwards

Bishop of Carlisle and Paley's own patron. Indeed, Paley follows the line of argument of the "Dissertation" step by step, almost quoting at times, just as he appropriates whatever he finds available in the *Light of Nature*. It was, however, a most important contribution to our ethical literature to state the doctrine of so-called 'theological Utilitarianism' in such clear, vigorous style and in such an unmistakable form. In truth, a less degree of what one is tempted to call brutal frankness on the part of Paley would have cost our ethical literature a classic.

Bentham is commonly held to represent a distinct advance upon Paley, on the ground that he gives a 'non-theological' as opposed to a 'theological' treatment of Ethics. It is important to observe, however, that the terms 'theological' and 'non-theological,' as ordinarily used in this connection, are apt to be seriously misleading. Whether or not any ethical theory can escape the theological reference altogether, is a most serious question, regarding which perfectly competent critics agree to differ even at the present day. In ethical discussions the term 'theological' can with strict propriety be applied to a moralist only when, like Locke, he ultimately rests morality upon the arbitrary will of God. Whenever a writer does this, he must be excluded from the history of Ethics as a science, because by denying the ultimate rationality of any ethical principles he implicitly denies the possibility of Ethics itself. Gay, to be sure, might seem to the careless reader to begin his ethical speculations in the same way, since he makes all morality depend immediately upon 'the will of God.' But, though the 'criterion' of morality is 'the will of God,' the 'criterion' of 'the will of God' is the greatest happiness of mankind. In other words, God wills the greatest happiness of all human beings because that is the end which is ultimately of supreme moral worth. Gay, then, had a definite 'criterion' of morality—as definite as that of any other ethical writer—but, since he began with the assumption of our original egoism and held that obligation is merely "the necessity of doing or omitting any action in order to be happy," he was, of course,

unable to prove our *complete* moral obligation without referring to the theological doctrine of rewards and punishments. In this respect, as we have seen, both Tucker and Paley followed exactly in the path which Gay had pointed out.

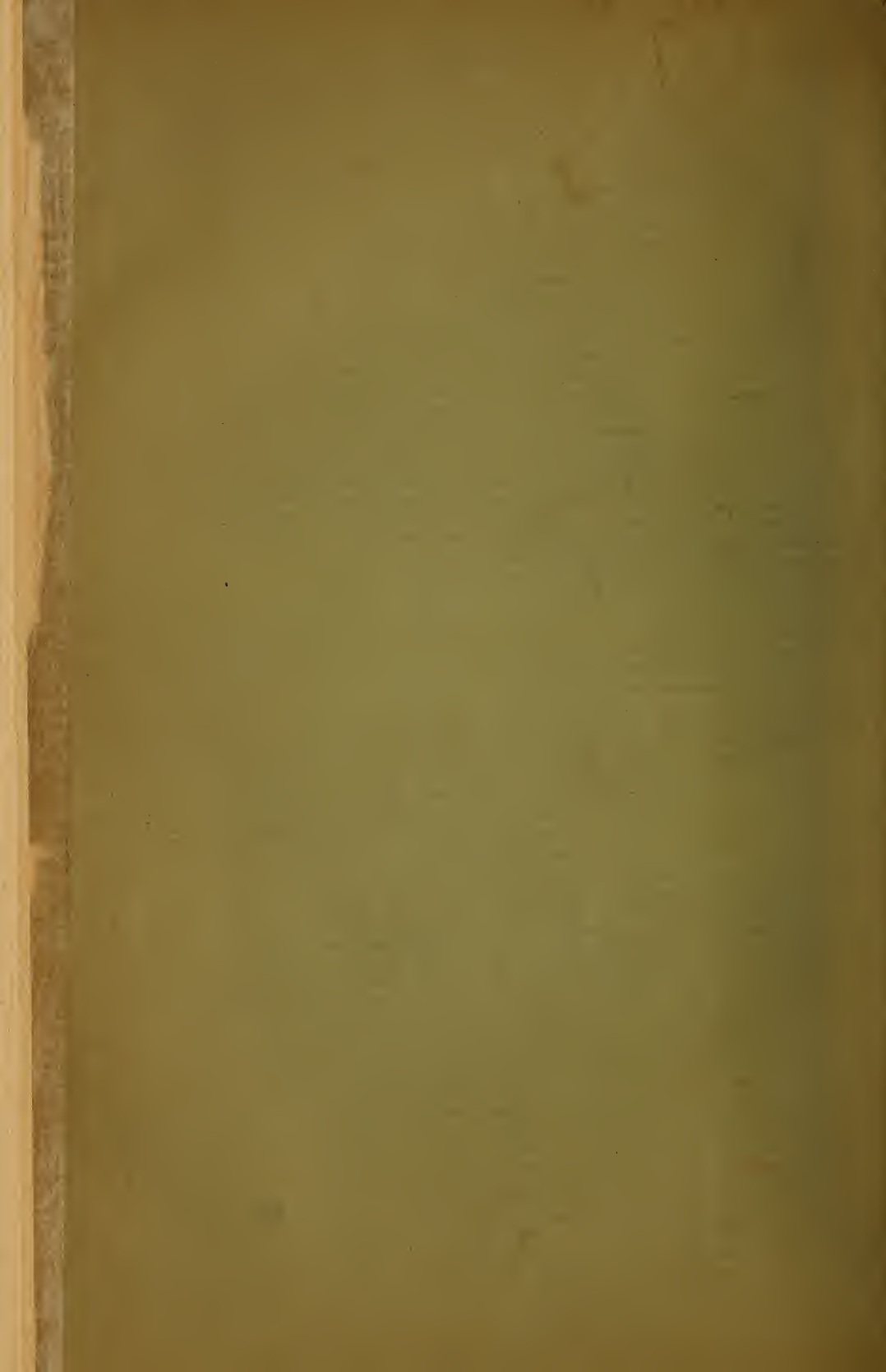
Now, it might seem as if Bentham were to be put in a different category altogether from the so-called 'theological' moralists, because he does not make this appeal to theological doctrine. As a matter of fact, however, he evades rather than overcomes the difficulty. Although he recognizes no other obligation than one's ultimate self-interest, either in the *Introduction to the Principles of Morals and Legislation* (1789) or in the *Deontology* (published posthumously in 1834), he nowhere makes any serious attempt to prove that public and private interest in all cases necessarily coincide — an attempt which, indeed, would be doomed to failure if one were to leave out all considerations of a future life, as Bentham felt bound to do. So far as ethical theory is concerned, Bentham differed from his Utilitarian predecessors in two points only: (1) he seemed to hold that we must compute the probable consequences of our actions in the individual case and act accordingly, rather than depend upon general principles of utility, as the others had taught; (2) he introduced certain refinements into the terminology of the hedonistic calculus which have obtained considerable currency.

In so far as Bentham seriously meant that in moral action we were to depend upon our computation of consequences in the individual case, he was evidently wrong just where his predecessors had apparently by forethought avoided such error; for they suggest — what, indeed, is manifestly true — that in particular moral exigencies we have no time for such computations, and, moreover, that where our own interests are importantly concerned we are in no proper frame of mind to work out problems in 'moral arithmetic.' As regards the second point, the refinements which Bentham introduced into the terminology of the hedonistic calculus, it will readily be seen that the terms 'intensity,' 'duration,' 'certainty,' 'proximity,' 'extent,' 'fecundity' and 'barrenness,' 'purity' and 'impurity,'

all except the first four used in a highly technical sense, were no more than convenient names for distinctions already recognized. In the last resort the hedonistic calculus reduces itself to terms of 'intensity,' 'duration,' and 'extent' (the latter term referring to the number of individuals concerned). 'Certainty' and 'proximity' refer only to the probability or improbability of our experiencing given pleasures or pains, — a consideration which, of course, no one could possibly overlook. There remain the distinctions 'fruitful' or 'barren,' 'pure' or 'impure,' as applied to both pleasures and pains. Bentham uses these terms somewhat differently in the *Principles of Morals and Legislation* and in the *Deontology*. In the *Principles*, 'fecundity' and 'purity' both refer to the future. Given a pleasure or pain, we call it 'fruitful' if it is likely to be followed by other affections of the *same* kind, 'pure' if it is *not* likely to be followed by other affections of the *opposite* kind. In the *Deontology*, on the other hand, the fruitfulness or barrenness of a particular pleasure or pain is regarded as its productiveness of future affections, whether of the same or of the opposite kind, or of both. 'Purity' and 'impurity,' on the contrary, apparently refer merely to the unmixed or the mixed character of our present affections; *i.e.*, pleasure or pain without, or with, its opposite. Whether Bentham commits himself to the dubious position that we have states of consciousness which are at the same time pleasurable and painful, we do not here need to inquire. It will readily be seen that these latter distinctions, like the former ones, are pretty obvious, and that Bentham contributed the terminology merely. In all this, of course, it must be understood that we are considering Bentham from the point of view of the History of Ethics; and it must be sufficiently clear that he contributed nothing really new to Ethics, considered strictly as such. On the other hand, there is no doubt whatever that Bentham was a very potent influence in bringing the Utilitarian doctrine to the attention of his contemporaries, not merely as a type of ethical theory, but as the theoretical foundation of certain schemes of practical reform.

With Bentham, the older Utilitarianism may be said to have come to an end. James Mill, who was a contemporary of Bentham, was an advocate of much the same theoretical and practical principles; but he is a good deal less important for Ethics than for Psychology, and so does not call for any special mention here. In the hands of J. S. Mill, however, the Utilitarian doctrine took on a very different character. More even than he probably realized, he had broken with the traditions of eighteenth-century Utilitarianism. Like Hume, Mill saw the necessity of recognizing the existence of original altruism; but, unlike Hume, he followed Hutcheson in recognizing 'qualitative differences' between pleasures. The inconsistency of the last-named position with the general doctrine of hedonism is now universally acknowledged; but since the time of Mill there has been a strong and increasing tendency on the part of Utilitarians to concede a good deal to the native altruism of man, or, rather, perhaps, to show (what, indeed, ought to be plainly evident) that egoism and altruism to a very large extent coincide in the case of any truly social being.

But this is not all that J. S. Mill stands for in the history of English Ethics. Critics have dwelt altogether too much upon certain inconsistencies in his doctrine, and have generally failed to do anything like justice to the honesty and broad-mindedness that made him take serious account of the very facts of our moral experience which afforded the most serious difficulties to his own ethical theory. Just because of this fair-mindedness, this willingness to do justice to our moral nature as a whole — not because of his inconsistencies, as some would hold — Mill belongs, not merely to the Utilitarians, but to those who have found the Utilitarian doctrine insufficient, and have attempted to pass beyond it while doing full justice to the measure of truth which it contains.



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